

Please Note: These transcripts are not individually reviewed and approved for accuracy.

BOARD MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
CENTRAL VALLEY AUDITORIUM
SACRAMENTO, CALIFORNIA

TUESDAY, JUNE 15, 2004

9:42 A.M.

TIFFANY C. KRAFT, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Linda Moulton-Patterson

Rosario Marin

Rosalie Mule

Michael Paparian

Cheryl Peace

Carl Washington

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Marie Carter, Chief Counsel

Michael Bledsoe, Staff Counsel

Bobbie Garcia, Staff

Christine Karl, Staff

Chris Deidrick, Staff

Tad Gebre-Hawariat, Staff

Neal Johnson, Staff

Raffy Kouyoumdjian, Staff

Michael Leao, Supervisor, Plastics Recycling Technology
Section

Howard Levenson, Deputy Director

Sue Markie, Supervisor, Enforcement Agency Section

Laura Niles, Staff

Rubia Packard, Assistant Director, Policy and Analysis
Office

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES CONTINUED

STAFF

Sharon Waddell, Board Secretary

Scott Walker, Branch Manager

Sarah Weimer, Staff

Patty Wohl, Deputy Director

Calvin Young, Staff

ALSO PRESENT

Alan Abs, Tehama County Red Bluff Landfill Management Agency

W. Michael Carroll, Tehama County Red Bluff Landfill Management Agency

Henry Gray, City of Huntington Park

Mike Gencola, Orange County Waste Management Department

Dr. Joseph Green, Cal State University Chico

Laurie Hanson, California Bags and Food Alliance

Patricia Henshaw, Orange County LEA

Julie Holmes Ryan, GeoSyntec Consultants, Inc.

George Larson, Americal Plastics Council

Gary Liss, Grassroots Recycling Network

Pat Lucia, GeoSyntec Consultants

Michael Minch, GeoSyntec Consultants, Inc.

Jerry Moffatt, Rainbow Transfer Recycling Facility Company, Inc.

Mark Murray, Californians Against Waste

Juan Noguez, Mayor, City of Huntington Park

Please Note: These transcripts are not individually reviewed and approved for accuracy.

iv

APPEARANCES CONTINUED

STAFF

Carla Serio, Shasta County LEA

Jorge Villanueva, Communities for a Better Environment

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

INDEX

	Page
I. CALL TO ORDER	1
II. ROLL CALL AND DECLARATION OF QUORUM	1
Pledge Of Allegiance	
III. OPENING REMARKS	1
IV. REPORTS AND PRESENTATIONS	30
Report By Shasta County Local Enforcement Agency On Extension Of The Stipulated Agreement Issued To The Operator Of The Anderson Landfill	
V. CONSENT AGENDA	36
Motion	38
Vote	38
VI. CONTINUED BUSINESS AGENDA ITEMS	
VII. NEW BUSINESS AGENDA ITEMS	
Permitting And Enforcement	
1. Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The Frank R. Bowerman Landfill, Orange County	38
Motion	44
Vote	45
2. Consideration Of A Revised Full Solid Waste Facilities Permit (Transfer/Processing Station) For The Rainbow Transfer/Recycling Facility Company, Inc., Orange County	45
Motion	56
Vote	56
3. Consideration Of A New Full Solid Waste Facilities Permit (Compostable Materials Handling Facility) For The South Kern Industrial Center Composting Facility, Kern County	56
Motion	62
Vote	62

INDEX CONTINUED

4.	Consideration Of A New Full Solid Waste Facilities Permit (Transfer/Processing Facility) For The Premier Recycling Facility, Santa Clara County	62
	Motion	63
	Vote	63
5.	Consideration Of A Revised Full Solid Waste Facilities Permit (Disposal Facility) For The Tehama County/Red Bluff Landfill, Tehama County	63
	Motion	77
	Vote	77
6.	Consideration Of A Memorandum Of Agreement With The County Of San Luis Obispo For Enforcement Agency Duties	78
	Motion	87
	Vote	87
7.	Consideration Of The Contractor For Environmental Investigation Services Contract For The Closed, Illegal And Abandoned Site Investigation Program (FY 2000/2001 BCP #2)	88
	Motion	91
	Vote	91
8.	Consideration Of The Scoring Criteria And Evaluation Process For The FY 2004/2005 Solid Waste Disposal And Codisposal Site Cleanup Grant Program	38
	Motion	38
	Vote	38
9.	Consideration Of New Projects For The Solid Waste Disposal And Codisposal Site Cleanup Program	91
	Motion	104
	Vote	104

INDEX CONTINUED

10.	Consideration Of The Aggregate Recycling Systems Illegal Disposal Site, Los Angeles County, For The Solid Waste Disposal And Codisposal Site Cleanup Program And Augmentation For The Environmental Services Contract For Landfill And Disposal Site Remediation (IWM03015B)	104
	Motion	136
	Vote	136
	Motion	137
	Vote	137
11.	Presentation And Discussion Of The Landfill Facility Compliance Study Draft Phase II Report, Evaluation Of Regulatory Effectiveness Based On A Review Of 53 MSW Landfills, And Task 8 Report, Summary Of Findings And Comprehensive Recommendations (FY 1999-2000 Contract No. IWM-C9047)	137
	Sustainability And Market Development	
12.	Discussion Of Progress In Promoting Reuse Through The Reuse Assistance Grants Program	210
13.	Consideration of Adoption of Proposed Revisions to Regulations for the Recycling Market Development Zone Designation Process	222
	Motion	224
	Vote	224
14.	Consideration Of A Scope Of Work And California State University, Chico Research Foundation As Contractor To Evaluate Performance, Degradation Rates And Byproducts Of Various Degradable Technologies And Compostable Rigid Plastic Packaging Containers, Other Food Service Products, And Bags Using Commercial Composting Methods And Simulated Litter Environments (IWMA Fund, 2000-01 BCP #3 and 2002-03 BCP #2)	182

INDEX CONTINUED

15.	Consideration Of Plastic Trash Bag Manufacturers And Wholesalers Compliance With The Plastic Trash Bag Law For The 2003 Reporting Period (Public Resources Code Section 42997(b))	38
	Motion	38
	Vote	38
16.	Consideration Of Requests By Plastic Trash Bag Manufacturers For Exemption For The Inability To Obtain Sufficient Quality Or Quantities Of Recycled Postconsumer Material To Demonstrate Compliance For The 2003 Reporting Period For: (1) Glad Products Company (dba Glad Manufacturing Company); (2) Pactiv Corporation; (3) Poly-America, LP; And (4) Trans Western Polymers, Inc.	225
	Motion	234
	Vote	235
19.	Consideration Of The Amended Multi-Jurisdictional Nondisposal Facility Element For The County Of Santa Clara	38
	Motion	38
	Vote	38
20.	Consideration Of The Amended Nondisposal Facility Element For The Unincorporated Area Of Monterey County	38
	Motion	38
	Vote	38
21.	Consideration Of The Amended Nondisposal Facility Element For The Unincorporated Area Of Mariposa County	38
	Motion	38
	Vote	38
22.	Consideration Of The Adequacy Of The Five-Year Review Report Of Mariposa County	38
	Motion	38
	Vote	38

INDEX CONTINUED

23.	Consideration Of The 2001/2002 Biennial Review Findings For The Source Reduction And Recycling Element And Household Hazardous Waste Element For The Following Jurisdictions: Alameda County: Alameda, Alameda-Unincorporated, Albany, Piedmont; Contra Costa County: Danville; Los Angeles County: Bradbury, Burbank, Carson, Glendale, Industry, Irwindale, Montebello, Rolling Hills, San Dimas, Santa Fe Springs, South El Monte, West Covina, Westlake Village; Napa County: Upper Valley Waste Management Agency; Orange County: Costa Mesa, Cypress, Huntington Beach, Lake Forest, Seal Beach; Riverside County: Beaumont, Hemet, La Quinta, Norco; San Diego County: Coronado, Del Mar, National City; San Mateo County: East Palo Alto, Millbrae, Woodside; Santa Clara County: Cupertino, Los Altos Hills, Los Gatos, Monte Serenio, Mountain View, San Jose, Santa Clara-Unincorporated, Saratoga, Sunnyvale; Solano County: Benicia, Dixon, Rio Vista, Suisun City, Vacaville; Ventura County: Moorpark, Oxnard, San Buenaventura, Thousand Oaks (First Of Two Items)	38
	Motion	38
	Vote	38
24.	Consideration Of The 2001/2002 Biennial Review Findings For The Source Reduction And Recycling Element And Household Hazardous Waste Element For The Following Jurisdictions: Alameda County: Emeryville; Contra Costa County: Lafayette, Moraga; Los Angeles County: Beverly Hills, Claremont, Diamond Bar; Orange County: La Palma; Ventura County: Camarillo	38
	Motion	38
	Vote	38
VIII. PUBLIC COMMENT		
IX.	ADJOURNMENT	236
X.	REPORTER'S CERTIFICATE	237

1 PROCEEDINGS

2 CHAIRPERSON MOULTON-PATTERSON: Good morning, and
3 welcome to our June meeting. This is a very special
4 meeting for us. And I'm really excited, but I suppose
5 before we get into any of that, we need to call the roll.

6 Ms. Waddell.

7 SECRETARY WADDELL: Marin?

8 BOARD MEMBER MARIN: They're all here for me.
9 Here.

10 SECRETARY WADDELL: Mule?

11 BOARD MEMBER MULE: Here.

12 SECRETARY WADDELL: Paparian?

13 BOARD MEMBER PAPARIAN: Here.

14 SECRETARY WADDELL: Peace?

15 BOARD MEMBER PEACE: Here.

16 SECRETARY WADDELL: Washington?

17 BOARD MEMBER WASHINGTON: Here.

18 SECRETARY WADDELL: Moulton-Patterson?

19 CHAIRPERSON MOULTON-PATTERSON: Here.

20 If all of you would turn off your cell phones,
21 and we'll go into the regular part of the meeting after
22 our reception.

23 But I have a real honor today to introduce our
24 two new Board members. I think all of us are very
25 indebted to Governor Schwarzenegger for making two very

1 great appointments. And it's, really from my
2 perspective -- and no offense to my good friends Carl and
3 Mike -- it's really nice. As you know, when I started, I
4 was the only woman up here. And now we've got a majority,
5 so that's kind of nice.

6 BOARD MEMBER WASHINGTON: I'm offended.

7 (Laughter)

8 CHAIRPERSON MOULTON-PATTERSON: But it's just a
9 great pleasure to introduce our two new Board members.
10 I'm going to briefly introduce one at a time, and they're
11 going to say a few words. And then we're going to go out
12 and eat cake, Mr. Washington. I understand that you were
13 interested in that. And, anyway, in all seriousness, we
14 have some really fine people here.

15 And first of all, I would like to introduce
16 Rosario Marin. And she was appointed as a full time
17 member of this Board, as a public member, by Governor
18 Schwarzenegger. She was appointed on April 22nd, and I
19 had the pleasure of swearing her in. Her term extends
20 until January 1st, 2008.

21 She has a very, very distinguished career. She
22 was appointed Treasurer of the United States by President
23 George W. Bush in 2001. And she's promised me she's going
24 to sign a dollar bill or so for me. Maybe a 20. But
25 anyway, that is really exciting to have somebody with the

1 federal experience that she brings.

2 Not only does she bring federal experience, but
3 one thing that I think is just as important, coming from
4 local government, is she brings local government
5 experience. She was a Council member -- is still a
6 Council member -- no. Excuse me. Was a Council member
7 and Mayor of the City of Huntington Park. And that's
8 very, very valuable experience, because as you know, we
9 work with the jurisdictions. And they really appreciate
10 when someone has had that experience down at the local
11 level, in the trenches, so we say.

12 She's worked with the Sanitation Districts.
13 She's worked with the Air Resources Board. She was an
14 appointee under Governor Pete Wilson in many different
15 capacities, and I could go on and on.

16 She's done a great deal of community service.
17 She's involved in the community. She's going to be a
18 real, real friend on education. And I appreciate that.
19 And she has a degree from Cal State University at
20 Los Angeles. She's completed an advanced degree from
21 Harvard University, that's exciting, from the John F.
22 Kennedy School of Government. And it is my pleasure to
23 welcome Rosario Marin.

24 (Applause)

25 BOARD MEMBER MARIN: Thank you, Madam Chair.

1 I'm very delighted and very excited to be here
2 with all of you. I have the enormous privilege to serve
3 along with very fine people. And I'm so excited.

4 We were joking, Madam Chair and myself, that we
5 both come from local government. And she was the former
6 Mayor of the City of Huntington Beach, and I'm the former
7 Mayor of the City of Huntington Park. So I think that we
8 have a lot more things in common than people can imagine.

9 And I'm so delighted and so grateful. And Cheryl
10 Peace, Mike Paparian, Carl Washington, who I've known for
11 a long time. He's awesome. All of them are awesome. I'm
12 delighted. I'm honored to serve along with all of them.
13 I'm looking forward to making policies that really truly
14 impact the lives of the 35-almost million Californians
15 here. And I think that that is what was most exciting
16 about this Board.

17 When people were asking, "What is it that the
18 Governor appointed you to," and if I told them that I was
19 appointed to the California Integrated Waste Management
20 Board, nobody knew what it was. But if I told them that
21 the Governor placed me here to take care of mother earth
22 and to take care of our environment, people says, "Oh,
23 that is good. That is very important." And it is.

24 You know, what we do here matters. And it
25 matters to the millions of people out there that are

1 dependant upon our good judgment to impact their lives.

2 So I'm excited.

3 It's not new to me, obviously, as a former Mayor.

4 And I want to tell you that a very dear friend of mine

5 happens to be here. There's an item on the agenda. He is

6 the current Mayor of the City of Huntington Park. You

7 will hear from him later on, my good friend Juan Noguez.

8 It just so happened that this item is on the agenda.

9 But I can tell you this Board is truly important.

10 What we do here impacts the lives of children, as we have

11 gone out there, and I've already been out there in some

12 schools. Businesses, you know, there's quite a number of

13 businesses dedicated to the mission of this Board, and

14 certainly to improve our environment. I know that's

15 something really special to Mike Paparian. I'm looking

16 forward to working along with him on many of the issues

17 that are important to California and to families and

18 people. So it's exciting.

19 Rosalie and I are truly -- we've been going to

20 places holding hands as we learn new things together and

21 we share our experiences. I'm really truly excited.

22 The staff that's so far has been just wonderful

23 to me, provided me with tons of information, probably a

24 little bit more than I would have cared to have in a month

25 and a half. But I really appreciate it. We have truly

1 dedicated public servants that take their job very
2 seriously. It's been very refreshing to see the quality
3 of the people that are involved in Board issues at a staff
4 level, all of them. And I'm honored to work along with
5 all of them, to the pitch hitters that came in just last
6 week. Rubia, thank you so much for being here, and Kyle.
7 You're making my job a lot more easy.

8 And I'm just very grateful and honored for the
9 opportunity to serve along with all of you the great state
10 of California. Thank you.

11 (Applause)

12 CHAIRPERSON MOULTON-PATTERSON: Thank you so
13 much, Rosario. And we're really excited. And you hit the
14 nail on the head. We have the greatest staff going. I
15 mean, they're wonderful. And I know you're just going to
16 be so pleased to work with them.

17 And next it gives me great pleasure to introduce
18 Rosalie Mule. And Rosalie was appointed also on April
19 22nd, and she's a full-time member of this Board. And she
20 was appointed by the Governor, and she's was appointed in
21 the position that's reserved for the person with private
22 sector waste industry experience. And she certainly has
23 that.

24 She has been director of municipal development
25 for Waste Management of the Inland Empire since 2003. She

1 was previously government affairs and municipal marketing
2 director for Waste Management of Florida and Waste
3 Management Southwest Florida Division from 1998 to 2003.
4 She was the government affairs and municipal marketing
5 manager for BPI. And in Florida -- she's served in some
6 interesting places. And then she went as recycling
7 manager to Hawaii. That must have been real hard. And
8 then she was also a program manager in San Diego. She
9 brings a wealth of experience.

10 I look so forward to working with her, because I
11 think she has the perfect blend of the private sector
12 experience, the waste management industry, but she also
13 cares deeply about the environment and recycling. And
14 that's so important to this Board. And I'm just so
15 honored to serve with you.

16 She's worked on many civic and community -- done
17 a lot of community services. She has a Bachelor's Degree
18 in Environmental Studies from Richard Stockton State
19 College of New Jersey. And she's also a resident of
20 Temecula.

21 And it's just with a great honor that I introduce
22 Rosalie Mule. We look very forward to working with you,
23 Rosalie.

24 (Applause)

25 BOARD MEMBER MULE: Thank you so much for that

1 wonderful introduction.

2 I just want to say a few words. And first and
3 foremost, I'm truly honored and privileged to be the
4 Governor's appointee to this prestigious Board, which I
5 think does a lot of important work. I think it was
6 appropriate that my appointment fell on Earth Day -- both
7 our appointments fell on Earth Day.

8 While I am the private sector representative, or
9 industry representative, I just want to let everybody know
10 that my commitment to the environment runs a long ways
11 back. And that's actually how I did get started in this
12 whole industry, because of my commitment to the
13 environment. And I think that the work that this Board
14 does is extremely important.

15 And, again, I'm truly honored to be working with
16 all of you and this great staff. I have to tell you, this
17 staff has been nothing short of amazing. I'm just very
18 impressed with their knowledge, their commitment, and
19 their professionalism in this area.

20 Second, I would like to introduce my staff. I do
21 have Ruthann Schulte, my advisor.

22 Ruthann, stand up.

23 (Applause)

24 BOARD MEMBER MULE: And Fernando Berton.

25 (Applause)

1 BOARD MEMBER MULE: And, again, I just want to
2 thank everyone for this honor to serve on this Board. And
3 I think that, working together, we are going to accomplish
4 some great things for this great state. Thank you very
5 much.

6 (Applause)

7 CHAIRPERSON MOULTON-PATTERSON: Thank you,
8 Rosalie.

9 And Mr. Washington would like to say a few words.

10 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

11 It is certainly great to see two fine individuals
12 come to this Board with the type of experience they have.
13 I had the pleasure of working with both of them. And I
14 can tell that you this Board has certainly benefited by
15 the two appointments the Governor has made to the
16 California Integrated Waste Management Board. And I look
17 forward to a long lasting relationship with the both of
18 them, and certainly working with them on issues that are
19 critical to this Board.

20 Both come with great experience in the industry
21 as well as in the public sector. And I believe that they
22 both bring a wealth of experience that will certainly
23 benefit this state of California as we move forward to
24 moving toward a zero percentage waste going to our
25 landfills. And I know that they are very, very interested

1 in making sure that that happened.

2 I had the pleasure of meeting both of them in two
3 different settings before they came to the Board, and I
4 had so much fun with them. And I told them I only do that
5 when I'm out. I don't act like that when I get home to
6 the Board. I only do it outside. But I had a great time
7 with the both of them, and I look forward to working with
8 both of you. And welcome to the California Integrated
9 Waste Board.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you, Carl.

11 Mike, would you like to say a few words?

12 BOARD MEMBER PAPARIAN: Yeah.

13 You know, I'd like to also welcome both of you.
14 I think, you know, both of you bring excitement. You
15 bring stature. You bring dedication. You bring
16 commitment to the Board, and I think, a renewed sense of
17 wanting to accomplish good things from the Board. And I
18 think that I'm already sensing from the staff here a level
19 of excitement that we'll be able to move forward and
20 accomplish really good things and maybe have a little bit
21 of fun in the process.

22 CHAIRPERSON MOULTON-PATTERSON: Definitely have
23 fun in the process.

24 Thank you, Mike.

25 Cheryl.

1 BOARD MEMBER PEACE: How can I add to that?

2 Ditto.

3 I'm so excited for Rosalie and Rosario to be
4 here. And I think we are going to do some great things.
5 I look forward to working with both of you.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you,
7 Cheryl.

8 And it is nice to have six members up here. When
9 we start the official Board meeting, I'll be talking a
10 little bit about our Committee structure. And we're
11 starting up our Committees and so forth. And I look
12 forward to that.

13 But right now, let's have a chance to get to know
14 our two new Board members, and we have a small reception
15 outside. Thank you so much.

16 And thank you, staff, for all being here.

17 (Thereupon the Board recessed into the
18 reception.)

19 CHAIRPERSON MOULTON-PATTERSON: I'd like to
20 reconvene our meeting, if we're all ready. We are.

21 I'm going to start on ex partes. And I will
22 attempt to ex parte for the entire Board everyone we spoke
23 to out at the reception. I don't think any of us were
24 talking issues. And since this was a social event, we
25 spoke to a lot of different people.

1 Other than that, I'm up to date.

2 Ms. Mule, do you have any ex partes?

3 BOARD MEMBER MULE: No, I do not.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you.

5 Ms. Peace.

6 BOARD MEMBER PEACE: Well, I did speak to Mark
7 Murray with Californians Against Waste regarding AB 338
8 and Agenda Item 14. And I also spoke with Bruce Robeck
9 and Berry Takalu regarding AB 338.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you.

11 Ms. Marin.

12 BOARD MEMBER MARIN: I only have Berry Takalu
13 from CRM Company that I spoke to him about that same
14 issue.

15 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

16 Mr. Paparian.

17 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

18 I did have several. Jerry Moffet from Rainbow Disposal
19 regarding Agenda Item 2. Patty Henshaw, the Orange County
20 LEA, regarding Agenda Items 1 and 2. Michael Geincola
21 from the County of Orange Integrated Waste Management
22 Department regarding Agenda Item 1. John Cupps regarding
23 the San Luis Obispo item. Berry Takalu regarding tire
24 issues. And then finally John Milgas from the City of
25 Huntington Park.

1 CHAIRPERSON MOULTON-PATTERSON: You were busy
2 during that reception, Mr. Paparian.

3 Mr. Washington.

4 BOARD MEMBER WASHINGTON: I'm up to date.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.

6 I'd like to remind the audience that we do have
7 speaker slips on the back table. If you would like to
8 speak to the Board on an item, please fill one out, and if
9 you'll give it to Mr. Waddell.

10 Ms. Waddell, if you'd raise your hand down there.

11 And she'll make sure that we know of your
12 intention to speak.

13 We're going to go right into reports from the
14 Board members that haven't given theirs yet. And I'll
15 start with Ms. Peace.

16 BOARD MEMBER PEACE: Thank you, Madam Chair.

17 On May 25th, I had a site visit to Petco Park in
18 San Diego. I met with some of our DPLA staff there to
19 talk to the Petco Park people about their recycling
20 efforts on our new ballpark.

21 And also a couple of months ago, Chair
22 Moulton-Patterson asked Mike Paparian and I to look into
23 how to make the Board more efficient and focused in its
24 mission. How can we streamline and simplify the process
25 so that we can make progress?

1 In turn, the divisions held all-staff meetings
2 that Mike and I attended where we heard a lot of concerns
3 and suggestions. I really appreciate hearing firsthand
4 what everyone had to say, and I really appreciated that
5 those that spoke, spoke so candidly.

6 In addition to the all-staff meetings, we also
7 have an electronic suggestion box that is up and running
8 thanks to Sheridan and Paige.

9 Thank you very much for all your hard work.

10 For those of you who haven't seen it yet, it's on
11 the home page of our Board net. And we do want to hear
12 from you, even if you spoke at the all-staff meeting. We
13 still want to hear from you in the suggestion box.

14 Between these two forums, we've heard great ideas
15 on administrative items, like how to save the Board money
16 on travel and computerizing reports to free up staff time,
17 to ideas on how to improve diversion through better
18 outreach and diversion programs.

19 I was very excited about suggestions I've heard,
20 and if I could have my way, I'd get started on
21 implementing many of them right away. I want staff to
22 know I take your suggestions very seriously, and our
23 challenge is how to address them while not falling behind
24 on our regular workload and our ever-increasing workload.

25 The key to our success here is not just getting

1 your ideas, but on the actual follow-up. We are compiling
2 the suggestions right now so Mike and I can discuss and
3 prioritize them with Mark Leary before the next Board
4 meeting. I plan to have an item before the Board in July
5 so that all the Board members can consider the areas that
6 Mike and I have put forth.

7 That ends my report.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
9 Peace.

10 Mr. Paparian.

11 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

12 I'd like to echo Board Member Peace's comments
13 and thank staff for meeting with us. They've been very up
14 front about their feelings and how some of the suggestions
15 affect the work of the Board and what steps can be taken
16 for possible improvements. And also I especially
17 appreciate the candor and honesty that I feel has come
18 from the staff in some of our meetings with them.

19 We're rounding out our meetings with staff. The
20 last meetings are scheduled for the first week in July.
21 And then, as Ms. Peace mentioned, we're going to be
22 working on some issues to bring back to the Board for
23 consideration.

24 But at the same time, I know that Mark Leary has
25 been working on a lot of the issues, especially the

1 operational issues that surfaced. And I think he is
2 prepared to give an update there. I don't know if you
3 want to do that now, or maybe wait until after Mr.
4 Washington's report.

5 CHAIRPERSON MOULTON-PATTERSON: Why don't you
6 just include that in your report, if you don't mind.

7 Was that it, Mr. Paparian?

8 BOARD MEMBER PAPARIAN: Yes. Thank you.

9 CHAIRPERSON MOULTON-PATTERSON: I just want to
10 thank Mr. Paparian and Ms. Peace for putting in so much
11 time on this. We all take staff's suggestions. We know
12 there's lots of room for improvement. We take them very
13 seriously. And they've taken the time to spend a great
14 deal of time with all of you and have shared those with
15 myself and other Board members. And I really, really
16 thank you for doing that and taking the initiative. And
17 also as Mr. Paparian said, Mr. Leary has been very open
18 and positive about the suggestions. So thank you.

19 Mr. Washington.

20 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.
21 I just have a few items.

22 The first one was May 17th through the 19th I
23 attended the SWANA's Waste to Energy Conference in
24 Savanna, Georgia, along with Madam Chair, who did an
25 excellent job on her presentation, which really stole the

1 stage.

2 She did a presentation, and after which every
3 speaker behind her referred back to Madam Chair and what
4 we're doing in California as relates to e-waste and all of
5 the other things we're doing to divert waste from our
6 landfills. And I think -- I want to tell her I was very
7 pleased to be a member of the Integrated Waste Board when
8 she was up doing her presentation. My chest was sticking
9 out. I was in the back, but I was sticking my chest out.

10 And the information there was absolutely
11 wonderful in terms of where people are across our country
12 as it relates to e-waste. And I thank all the staff who
13 is working on e-waste and all that you're doing to try to
14 make, you know, e-waste an issue that we can really work
15 with. I appreciate it. And the conference was extremely
16 wonderful.

17 Also, May 25th, I attended along with my
18 colleague, Board Member Marin, we went down to Desert
19 Sands School District to an event to launch their food
20 composting program. The district is one of our
21 Environmental Ambassadors Pilot Project grantees, and
22 they're doing an awesome job both on campuses as well as
23 in the schools. And the staff down there is so excited to
24 work with them, and they're just excited about what
25 they're doing down in Desert Sands. And it was a

1 privilege and a pleasure for me to be down there.

2 Then finally, June 10th, a few days ago, with my
3 former colleague Assemblyman Rudy Burmudes participated in
4 a dedication of a new refurbished community walk/jogging
5 track in the city of Cerritos that they've paved. And I
6 walked the track for them for the first time. It's a good
7 track. And it was courtesy of \$100,000 grant we gave to
8 them along with their matching funds. And I say to our
9 tire staff and all of you guys, keep up the good work.
10 It's really paying off in our local communities. And good
11 job. Job well done.

12 CHAIRPERSON MOULTON-PATTERSON: Ms. Marin.

13 BOARD MEMBER MARIN: Madam Chair, the only thing
14 I would like to report is staff has done an incredible job
15 taking me around to so many different places. And I've
16 had the privilege of not just going with -- I was going to
17 call you Assemblyman Carl Washington. You will always be
18 an Assemblyman.

19 BOARD MEMBER WASHINGTON: Soon to be Senator.

20 BOARD MEMBER MARIN: To that, but also joined
21 Rosalie Mule. We went to visit a site in San Diego. We
22 went together. I've attended a few recycling facilities
23 with a couple of members from the staff. They took me
24 around the Sacramento area. I visited a tire recycling
25 company in L.A. I met with people from the Los Angeles

1 County Sanitation District. It's been an awesome
2 opportunity for me to meet many, many people, and I'm
3 looking forward to visiting many more sites.

4 I'm a very hands-on individual, and I know staff
5 is attempting to fill my calendar. I will go. If you
6 invite me, I will come. So I'm really grateful.

7 And I do want to say something to Mark, because
8 he has done an incredible job making sure I'm very, very
9 busy. Thank you, Mark. You have an incredible staff, and
10 they're making my job very, very easy. Thank you for all
11 the work you do.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you.

13 I had a really great month also. And thank you,
14 Mr. Washington, for the compliment. I want to thank
15 Fernando Berton and Deb Orrill for making me sound
16 absolutely brilliant. Everybody there had a Ph.D., and I
17 just felt that a fantastic speech was prepared for me.
18 And there was a lot of discussion on it, and I really was
19 proud to be able to stand up there and give that. And
20 thank you so much. You worked long and hard on that, I
21 know. So thank you.

22 Also attended a women's conference here in
23 Sacramento and got to meet Secretary Madeline Albright.
24 That was a real thrill.

25 I also visited Gregory Canyon Landfill with Mr.

1 Washington, and we met with everyone. We met with the
2 Pala Indians. We met with the LEA, and we met with the
3 proponents of the program. I felt like we covered -- and
4 then visited the site, of course. I felt like we covered
5 all the bases. And that was very interesting.

6 Working with our staff on greening of the
7 capital, and specifically the Governor's office. And
8 that's moving along. And I appreciate, Ms. Wohl, all of
9 your staff's help in that area, their expertise.

10 Also attended, at the invitation of Secretary
11 Tamminen, Water Keepers Alliance in San Diego. I was
12 thrilled to get to hear Bobbie Kennedy, Jr., speak. It
13 was really exciting and he gave a very passionate speech.
14 And I just enjoyed it tremendously. And Secretary
15 Tamminen did a great job of introducing him, I might say.

16 So I've had a really good month.

17 And I also wanted to mention that we are starting
18 up our Committees again. I'm so glad. You know we were
19 not able to have them, because we really didn't have
20 quorums for Committees with only four members. So we had
21 to cancel a number of Committees.

22 We have restructured now that we have new
23 members, and the Committees will begin in July. The
24 following Committee assignments have been made.

25 On Permitting and Enforcement, I'm happy to say

1 Rosario is our new Chair of that Committee. Thank you.

2 Mike's on it, and Rosalie. So you guys will bring a great
3 blend to P&E.

4 On Tuesday, we're going to meet -- Tuesdays,
5 Sustainability and Markets will be meeting. And Mike
6 Paparian is Chair of that Committee. That will also
7 include e-waste items and DLPA items. So Mike is Chair
8 and Rosalie and Rosario are on that. So I really
9 appreciate you both being on these really important
10 Committees.

11 Also, we have another really important Committee.
12 They're all important. Special Waste, which is certainly
13 a full-time job. And I chose Cheryl Peace to be Chair of
14 that Committee, because she has put so much work into this
15 area. She's studied this issue. She's really put the
16 work in. She has a great interest in it. I know she'll
17 do a great job as Chair of special waste. I'm also on the
18 Committee. I'm very excited about working in the Special
19 Waste area. And Mr. Washington is also on the Special
20 Waste Committee. We'll be meeting on Wednesdays.

21 Near and dear to my heart of course is Education
22 and Public Outreach Committee. And that's such an
23 important Committee, and I asked Mr. Personality, Mr. Carl
24 Washington, to be Chair of that Committee. And he's done
25 a really great job in education and in working with our

1 Public Information Office. And I'm really proud that Carl
2 agreed to be Chair. I'm on that Committee, and also Ms.
3 Peace is on that Committee.

4 We're going to start these in July. July only,
5 there's a little different schedule. On Tuesday, P&E will
6 meet. And I'm sorry to spring this on you. I should have
7 talked to you about this before. But are you going to
8 meet at 10:00? Or do you have a time that you've
9 determined yet?

10 BOARD MEMBER MARIN: 10:00 will be fine.

11 CHAIRPERSON MOULTON-PATTERSON: Okay.

12 Wednesday -- this is just because of the holiday,
13 the July 4th holiday. So Wednesday, Special Waste will be
14 meeting.

15 And what time did you want to start, Ms. Peace?

16 BOARD MEMBER PEACE: 9:30.

17 CHAIRPERSON MOULTON-PATTERSON: 9:30 for Special
18 Waste.

19 And then July only, Thursday, the Sustainability
20 will be meeting at 1:30.

21 Again, that's just for July. Education and
22 Outreach will not meet next month. And that's only
23 because of the holiday and because of logistics. But
24 normally, the week before the Board meeting, on Mondays,
25 P&E will be meeting in the morning.

1 On Tuesday, Mr. Paparian, normally, are you going
2 to meet in the morning?

3 BOARD MEMBER PAPARIAN: Normally, we'll start in
4 the morning.

5 CHAIRPERSON MOULTON-PATTERSON: Tuesday will be
6 Sustainability and Markets, including e-waste and DPLA.
7 And then Wednesday will be Special Waste. And Thursday,
8 Education and Outreach. So we're really excited about the
9 Committees.

10 Again, I want to remind everybody, especially our
11 lobbyist in the audience, these Committees are advisory
12 only. They're going to be really looking at depth in the
13 issues and making recommendations to the Board. But,
14 again, it's advisory only. And the full Board will be
15 making the decisions on all these areas.

16 I forgot something here. If you'll just bear
17 with me one moment, please. I saved this for last. I had
18 a really great school visit this month. And I visited two
19 unpermitted landfills. I messed this up already. But,
20 anyway, I visited two unpermitted landfills in Sacramento
21 County. And I knew you'd all be kind of upset they were
22 unpermitted. And the operators of this landfill assured
23 me that containment and environmental protection were met
24 in construction of these two particular sites, Landfill 1
25 and Landfill 2.

1 I found that at Cameron Ranch Elementary School,
2 Landfill 1 and Landfill 2, operating within the San Juan
3 School District to be a wealth of active knowledge and
4 learning. Utilizing all of the concepts that centered
5 upon the environment, Jeanne Hewitt's kindergarten class
6 ventured into waste management through landfill
7 construction and natural resources conservation concepts.

8 As part of the School DEEL Environmental
9 Ambassador Pilot Program, the Board provided this
10 assistance for teachers and students in the San Juan
11 School District through professional development and
12 support to teach schools standards by using the
13 environment around them.

14 These five-year-olds -- did we have any slides?
15 Oh, we didn't have the time for slides. These
16 five-year-old students constructed two landfills: One
17 with compostables, pumpkin, bananas; and one
18 non-compostable, plastics, bottles, aluminum cans. During
19 the year, these kindergartners visited the landfills to
20 predict the outcome of items buried in them. At the end
21 of the year, in conjunction with their year-long study of
22 natural resources, these students, with Mira Loma High
23 School student mentors, toured the Sacramento Recycling
24 and Transfer Station on Fruitridge Road.

25 Additionally, Cameron Ranch and other San Juan

1 Unified School District Environmental Ambassador Pilot
2 Project sites continue to expand their recycling programs
3 and incorporate environmental educational concepts into
4 the classroom.

5 Special thanks go to Pauline Lawrence and Kyle
6 Pogue and Joanne Vorhies for all their hard work in
7 helping these students. It was just a wonderful visit.
8 And I'm sorry I blew that on the un-permitted landfills.
9 But it was really exciting to see five-year-olds
10 understanding the concepts of landfills and compostables.
11 They went out there and they dug and they showed us. And
12 I wish we'd have had the slides. They were to excited.
13 And I'll tell you, those kids, they knew what they were
14 doing. They were telling their parents, telling their
15 schoolmates. And it was a really great day. Thank you,
16 Kyle and Pauline and Joanne for sharing it with me. It
17 was my best site visit. Thank you.

18 Mr. Leary, your Executive Director's Report.

19 EXECUTIVE DIRECTOR LEARY: Thank you, Madam
20 Chair. Good morning, members. Madam Chair, I hope you
21 made those kindergartners aware of the employment
22 opportunities here at the Board as they grow older. We
23 need to pick our successors, and we need strong people
24 behind us. Sounds like we have some coming in the way.

25 First of all, on behalf of all the managers and

1 all the staff of the Waste Board, let me officially
2 welcome our newest Board members, Rosalie and Rosario.
3 We're also very excited about you being here. And I
4 appreciate the very positive things and the positive
5 impression that staff have made on you. And let me tell
6 you it's reciprocated. You, too, have made very positive
7 impressions on the staff. And so we're looking forward to
8 a very great professional working relationship with you.

9 And then in regards to the effort to interact
10 with the staff on the suggestion box and the all-staff
11 meetings that Chair Moulton-Patterson asked Members
12 Paparian and Peace to do, I really appreciate also, from a
13 staff perspective and from a management perspective, that
14 the two of you have invested so much time and effort in
15 meeting with our staff and learning of ways to improve,
16 because it's been obviously a learning experience for all
17 of us on the management team here at the Board. And we
18 will work aggressively with those suggestions that have
19 been made and make improvements to our organization.

20 Who knows better how to improve our processes
21 than our own staff that are in the midst of them day in
22 and day out. And amongst the many crisis we're managing,
23 we don't ask our staff often enough, I suppose, how we can
24 make improvements. So we're looking to build from those
25 efforts.

1 It's no surprise to me and probably no surprise
2 to the stakeholders if you ask our staff, they'll tell you
3 what they think, as many of our stakeholders have
4 experienced over the years. So it's no surprise to me
5 that you were dealt with candor, honesty, and
6 professionalism from our staff.

7 If I can get into a couple of other agenda items
8 just to bring you up to speed. I'd like to first up to
9 date you on environmental justice activities within the
10 agency. The interagency working group on environmental
11 justice met on May 24th here in the CalEPA building to
12 discuss Secretary Tamminen's proposed two-way approach to
13 advancing our environmental justice here at CalEPA. This
14 approach consists of both the short-term interim process
15 called the Environmental Justice Action Plan, and a
16 long-term strategic process through which CalEPA
17 interagency environmental strategy will be developed and
18 finalized.

19 Chair Moulton-Patterson, Member Mule, Rubia
20 Packard, and I attended the meeting for the Board.
21 Recognizing that the more formal strategic process will
22 take some time, Secretary Tamminen directed staff to
23 develop an Interim Environmental Justice Action Plan with
24 immediate actions to advance specific priorities,
25 including precautionary approaches, cumulative health

1 impacts, community capacity building, and public
2 participation and communication, which, of course, as you
3 know, is the subject of an agenda item we'll be hearing
4 from tomorrow. The short term activities of the action
5 plan will feedback into the long-term strategic plan
6 process, providing for an integrated environmental justice
7 implementation mechanism for CalEPA.

8 CalEPA staff also presented a proposal of draft
9 recommendations to the BDO Chairs and Directors for the
10 longer-term effort of environmental justice strategy based
11 on the external environmental justice advisory committees
12 that report to CalEPA that came in late last year. The
13 draft recommendations for the environmental justice
14 strategy include: Goals and strategies for public
15 participation and community capacity building; integration
16 of environmental justice into development; adoption,
17 implementation, and enforcement of our laws and
18 regulations; research and data collection relative to the
19 health and environment of communities of color and low
20 income communities; and cross media coordination relative
21 and accountability relative to environmental justice
22 issues.

23 The Secretary's Environmental Justice Action Plan
24 will be further discussed at a June 28th public meeting of
25 the interagency working group. The staff level working

1 group will continue to work on the strategy over the
2 coming months as well.

3 With this next item on the continuing work of our
4 Waste Tire Enforcement Unit, I'd like to play a short
5 video for you that was produced by our Office of Public
6 Affairs. The Tire Enforcement Unit has been conducting
7 stings in cooperation with the California Highway Patrol
8 all across the state. The most recent enforcement action
9 was held on May 20th at the Calexico border crossing.
10 Program staff is conducting six to ten CHP checkpoints
11 every month in various locations throughout the state.
12 Board staff and the CHP are targeting locations that have
13 heavy activity and have proven to have haulers in
14 violation of Waste Tire Manifest regulations. Some of the
15 sites have been visited several times.

16 To date, staff has completed more than 56
17 checkpoints and issued over 350 citations. In addition to
18 writing citations, field inspectors take the opportunity
19 to educate and train the haulers who are attempting to do
20 the right thing but need a little more information. The
21 current CHP contract runs through Fiscal Year 2005-06.
22 With that, here's a look at some of our work.

23 (Thereupon a video was played.)

24 EXECUTIVE DIRECTOR LEARY: Thank you, John and
25 Frank, for putting that short video together. And I have

1 one last item, Members. That's to report that the Shasta
2 County LEA has extended its stipulated agreement with the
3 operator of the Anderson Landfill, which allows the
4 operator to temporarily exceed its permitted height limit
5 at that site. The term of the stipulated agreement now
6 extends until August 10th of this year, after which time
7 waste placed above the height limit will be removed and
8 placed in a newly lined cell that is currently under
9 construction. The Board's regulations require that the
10 LEA also make a report to you on this agreement, and that
11 will occur next, if there are no further questions -- if
12 there aren't any questions on my Executive Director's
13 Report.

14 CHAIRPERSON MOULTON-PATTERSON: To my new
15 colleagues, I'm sure Ms. McKee trained you, and you just
16 touch that. And then I'll be glad to call on you if you
17 have a question or comment at any time. I don't see any
18 questions or comments at this time.

19 Mr. Levenson, were you going to make some --
20 before we get started on the agenda, were you going to be
21 reporting on the Shasta County LEA deal?

22 DEPUTY DIRECTOR LEVENSON: Yes, Madam Chair.
23 Howard Levenson with Permitting and Enforcement Division.

24 This is noted on Section 4 of the agenda under
25 Reports and Presentations, a report by the Shasta County

1 LEA on this situation. As Mr. Leary noted, the Shasta
2 County LEA has issued an extension of a stipulated
3 agreement for the Anderson Landfill. This use of a
4 stipulated agreement is allowed for in temporary
5 unforeseeable circumstances. It is different than the
6 temporary waivers that Mr. Leary has reported on to the
7 Board over the past several months for circumstances such
8 as bark beetle infestation and earthquakes.

9 The regulations for this particular situation
10 require both the that Executive Director report to you,
11 which he just did, and that the LEA also provide an oral
12 report to the Board during the next regularly scheduled
13 meeting after the issuance of the stipulated agreement.
14 So that is the purpose of this item, or this report.

15 And I'd like to introduce Carla Serio, from the
16 Shasta County LEA, will make the brief report to you.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you.

18 MS. SERIO: Good morning, Board members and Madam
19 Chair. I'm Carla Serio, Shasta County and Trinity County
20 LEA. And I'm reporting to you that we've extended the
21 stipulated agreement for the Anderson Landfill, which was
22 originally put in place and agreed upon in February. The
23 landfill has requested to do this to increase their height
24 temporarily, which they ended up doing on April 12th. And
25 they placed waste above 760 and are currently at 772. And

1 at this point on Friday, June 11th, they have placed
2 25,000 tons of waste above the current permit height of
3 760.

4 And they are constructing a new cell at this time
5 which is very close to completion. And once it is
6 completed and approved by the Regional Water Quality
7 Control Board, then they will move the waste from the
8 current placement to the newly constructed cell and
9 continue operation.

10 For your information, the facility has maintained
11 compliance with state minimum standards during this time.
12 And as far as the neighbors in the area, we have received
13 no complaints, and the landfill has received no
14 complaints.

15 Initially, when we entered into the stipulated
16 agreement in February, they requested through our planning
17 division, and our planning division accepted an emergency
18 exemption from CEQA and that was posted for the required
19 30 days. And our agency posted a public notice in our
20 local newspaper notifying the public of this stipulated
21 agreement.

22 That's it. If there's any questions, please go
23 ahead.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you very
25 much for your presentation.

1 I see Ms. Peace has a question and then Mr.
2 Washington.

3 BOARD MEMBER PEACE: Yes. I guess I was under
4 the understanding that stipulated agreements were for
5 something that was unforeseen. So what was it that was
6 unforeseen that happened that they needed to increase
7 their height?

8 MS. SERIO: The Anderson Landfill has quite a bit
9 of room for new cell construction. And the area that they
10 had anticipated constructing a new cell, there was a
11 perched water table that was created and then
12 investigated, which made it so there wasn't a five foot
13 separation or more at that area. So they could not
14 construct a Subtitle D liner cell there.

15 So they went ahead and picked an alternative site
16 on the south side of the landfill within the footprint and
17 are constructing. But as a result, they had a late start.
18 And we had some early rain, and so they stopped
19 construction to continue when the weather was more
20 advantageous for construction.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you.

22 Mr. Washington.

23 BOARD MEMBER WASHINGTON: Howard, issuing of
24 the -- to allow them not to have the public hearing piece
25 of it, what was the purpose of that? Because it sounds

1 like they already started doing this, so why would we
2 bypass the CEQA?

3 DEPUTY DIRECTOR LEVENSON: I may have to turn to
4 Carla. But Mr. Washington, this is not a permit revision.
5 It is under our regulations, what constitutes a temporary
6 unforeseen circumstance, that the LEA has the discretion
7 to issue a waiver of some of the existing terms and
8 conditions of the permit. And I think Carla did speak to
9 the Notice of Exemption.

10 MS. SERIO: The Notice of Exemption through CEQA
11 and planning was accepted by a planning division because
12 the height was actually a CEQA issue when the EIR was
13 originally done. And that's one of the mitigations, was
14 to have a maximum height. And, of course, the solid waste
15 facility permit conditions, you know, the operations and
16 uses the use permit as a condition.

17 BOARD MEMBER WASHINGTON: So the actual height
18 was in the initial EIR?

19 MS. SERIO: Yes. Okay.

20 DEPUTY DIRECTOR LEVENSON: I would just add
21 that -- excuse me.

22 CHAIRPERSON MOULTON-PATTERSON: Go ahead.
23 Finish.

24 DEPUTY DIRECTOR LEVENSON: The date within the
25 stipulated agreement is, I believe, August 10th, that the

1 height not be exceeded. If it is exceeded after that
2 time, it would be considered a violation. If there was
3 any kind of change to the terms and conditions of the
4 permit, that would be a permit revision, which would
5 require a public hearing for AB 1497.

6 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

7 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

8 There are some interesting, somewhat unique
9 circumstances in this situation. But my recollection of
10 unforeseen circumstances is that our intention was they
11 would generally be circumstances external to the landfill
12 itself. That things were happening, or tonnage, for
13 unforeseen reasons, natural disaster, or other problems
14 would result in an issue. Or there might be other
15 unforeseen circumstances happening in the community that
16 would lead to some changes.

17 I'm not suggesting on this one, Howard, that we
18 do anything differently. But I want to be sure that this
19 doesn't become a precedent for, kind of, opening the door
20 to all kinds of things being considered unforeseen
21 circumstances.

22 CHAIRPERSON MOULTON-PATTERSON: Mr. Levenson, do
23 you have any reaction to Mr. Paparian's comments?

24 DEPUTY DIRECTOR LEVENSON: Yes. Mr. Paparian, I
25 think the point's well taken. And this is something that

1 in terms of an unforeseen circumstance in this case, with
2 the early rain fall and the discovery of perched
3 groundwater, that precluded construction on the planned
4 site according to the plan schedule. The LEA made a
5 determination that's an unforeseen circumstance. This is
6 something we certainly have the purview under the
7 regulations. The Executive Director can review and even
8 deny the issuance of such a stipulated agreement. So this
9 is something we can certainly look to in the future in
10 terms of whether additional guidance is needed on this
11 issue.

12 BOARD MEMBER PAPARIAN: Yeah. Again, I think
13 that we have to be pretty narrow about operational
14 circumstances leading to the finding of unforeseen
15 circumstances.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you,
17 Mr. Paparian. Okay. We're going to -- thank you very
18 much for being here and for your explanation.

19 We're beginning to start our regular agenda now.

20 Items proposed for consent are 6 revised, 8, 15,
21 19, 20, 21, 22, 23, 24. And we'll take that up in -- the
22 consent calendar in just a moment.

23 Item 1 through 7, 9 through 14, and 16 and 17
24 were proposed for today. I think I'll be moving Number 17
25 until tomorrow morning. I've had some requests from

1 interested parties. Obviously, if there's someone here to
2 speak, since it was noticed on Item 17, we'll go ahead and
3 listen to them today. But we'll hear Item 17 tomorrow.

4 And so we'll hear 17 tomorrow, 18 and 25 through
5 30 will be heard tomorrow by the full Board.

6 There will be a closed session. And I think the
7 best time for us to have it will be at the end of today's
8 session. And we will be discussing personnel issues
9 pursuant to Government Code 11126(a)(1) and litigation
10 matters, Government Code 11126(e).

11 So now I'm going to go back to the consent
12 calendar. Again, the ones that are proposed for consent
13 are 6 revised, 8, 15, 19, 20, 21, 22, 23, and 24.

14 Do any members have any items they wish to pull
15 off consent?

16 Mr. Paparian.

17 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

18 I would like to pull Item 6 off of consent for
19 the purpose of asking some questions and getting a better
20 understanding of the item.

21 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.
22 We pulled Number 6 revised off the consent calendar. So
23 now I see no other members who wish to pull anything.

24 We have 8, 15, 19, 20, 21, 22, 23, and 24
25 proposed for consent.

1 May I have a motion, please.

2 BOARD MEMBER MARIN: Moved.

3 BOARD MEMBER WASHINGTON: Madam Chair.

4 CHAIRPERSON MOULTON-PATTERSON: We have a motion
5 by Ms. Marin, seconded by Mr. Washington to approve the
6 consent calendar.

7 Please call the roll.

8 SECRETARY WADDELL: Marin?

9 BOARD MEMBER MARIN: Aye.

10 SECRETARY WADDELL: Mule?

11 BOARD MEMBER MULE: Aye.

12 SECRETARY WADDELL: Paparian?

13 BOARD MEMBER PAPARIAN: Aye.

14 SECRETARY WADDELL: Peace?

15 BOARD MEMBER PEACE: Aye.

16 SECRETARY WADDELL: Washington?

17 BOARD MEMBER WASHINGTON: Aye.

18 SECRETARY WADDELL: Moulton-Patterson?

19 CHAIRPERSON MOULTON-PATTERSON: Aye.

20 The consent calendar has been approved. And
21 again, that was 8, 15, 19, 20, 21, 22, 23, and 24. Thank
22 you.

23 And we'll go right into our new business, and
24 we'll start with P&E. And Number 1, Mr. Levenson.

25 This is Consideration of a Revised Full Solid

1 Waste Facilities Permit for the Frank R. Bowerman Landfill
2 in Orange County.

3 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
4 Chair.

5 With that, I'll just turn it over to Tad
6 Gebre-Hawariat who will make the presentation on this
7 item.

8 MR. GEBRE-HAWARIAT: Good morning. For the
9 record, I'm Tad Gebre-Hawariat with the Permitting and
10 Inspection Branch.

11 I understand that a revised version of the
12 permit, Attachment Number 3, has been handed out and just
13 simply to highlight the changes. They are on 17L --
14 excuse me. 17J, L, and M. There was nothing wrong with
15 the initial version of the permit. It's just that the
16 revised version contains language that we work with the
17 LEA. We want wanted to give it a Title 14 and Title 27
18 flavor to the language or the way things were expressed in
19 the permit. And therefore the revised permit reflects
20 those.

21 CHAIRPERSON MOULTON-PATTERSON: Did you say there
22 was a revised resolution passed out?

23 MR. GEBRE-HAWARIAT: Not a resolution. The
24 agenda Attachment Number 3, the permit.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you.

1 MR. GEBRE-HAWARIAT: The proposed permit is to
2 allow an increase in the permitted maximum daily tonnage
3 by 25 percent or up to 10,625 tons per day during 36
4 operation days per year.

5 As we've indicated in the table on page 1-3 of
6 the agenda item, all the requirements for the proposed
7 revised permit have been met. Therefore, staff recommends
8 that the Board adopt Solid Waste Facility Permit Decision
9 Number 2004-160 concurring with the issuance of Solid
10 Waste Facility Permit Number 30-AB-0360.

11 With us today are Ms. Patricia Henshaw, the LEA,
12 and Mr. Mike Gencola, the site manager. They're ready to
13 answer any questions you may have.

14 And this concludes my presentation.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you very
16 much. I see no questions.

17 Mr. Paparian.

18 BOARD MEMBER PAPARIAN: Just a couple quick ones,
19 Madam Chair. So 36 days of the year the tonnage is going
20 to be allowed to go up, and this has been happening for a
21 while. There have been tonnage increase exceedances of
22 the permitted tonnage for a while.

23 Is the LEA going to be able to adequately monitor
24 the tonnage to be able to keep track of whether they're at
25 the 36 days they're allowed to go over? What happens on

1 the 37th day?

2 MR. GEBRE-HAWARIAT: This will be just a normal
3 business for the LEA, review of records to make sure that
4 the tonnage is not exceeded -- would be exceeded or will
5 be up to level, 10,625, only during 36 days. So it's a
6 simple matter of reviewing the records. So it's -- in
7 that regard, it's nothing different.

8 What was going on is -- what you read in the
9 agenda item has actually been a challenge for the
10 operator. About two days before or after a bigger
11 holiday, they get a lot of tonnage. And the LEA has been
12 citing violations for those. So this hopefully will
13 correct that. So they will be able to operate without
14 exceeding their permitted limits.

15 BOARD MEMBER PAPARIAN: My understanding is
16 they're going to come back and ask for the whole tonnage
17 all year long to be up at some higher level?

18 MR. GEBRE-HAWARIAT: For that I will defer to the
19 manager of the site, if they have any plans for the such.

20 BOARD MEMBER PAPARIAN: So my question then is
21 going to be, at that point, do we get additional
22 environmental documentation on the increased tonnage?

23 MR. GEBRE-HAWARIAT: Certainly.

24 CHAIRPERSON MOULTON-PATTERSON: Why don't we have
25 them come to the podium and get it on the record.

1 Good morning. Your name for the record.

2 MR. GENCOLA: Good morning. Mike Gencola with
3 the Orange County Waste Management Department. I'm
4 Division Manager, of which the Frank Bowerman Landfill is
5 under my charge.

6 And, yes, through the Chair, Board Member
7 Paparian, this is a short -- hopefully a short term fix of
8 which then we have a master plan that we're going to
9 permit and we expect a full EIR. So I think at that point
10 we'd come back with additional tonnage on that full,
11 regular, all time basis.

12 BOARD MEMBER PAPARIAN: Okay. Thank you.

13 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you
14 very much.

15 Seeing no more questions I'd like -- or do you
16 have a question or you want to make a motion?

17 BOARD MEMBER PEACE: I have a question.

18 I would much rather see Orange County encourage
19 additional recycling of all their extra holiday
20 consumption instead of just throwing it away. And I'd
21 also like to see Orange County encourage a C&D ordinance
22 so they can recycle that C&D waste. Are you thinking
23 about doing any of those things?

24 MR. GENCOLA: Yes, again through the Chair. Yes,
25 we are. We've done a number of things. We have

1 established an Ad Hoc Committee through our Waste
2 Management Commission. That was in March, with the intent
3 to have some recommended approaches to deal the C&D and
4 self-haul issue in Orange County. We've done a waste
5 characterization for self-haul. We are in the process of
6 analyzing the data. So hopefully in July we'll know what
7 the data is and give us some -- hopefully some information
8 that we can build upon.

9 We'll also have three more items we're working
10 on. We are looking at a Diversion Facility Capacity Study
11 looking at, can our facilities in Orange County take this
12 C&D or any other increase in recycling that we may do?
13 We're doing a rate study and a survey of surroundings
14 jurisdictions.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.

16 Ms. Marin.

17 BOARD MEMBER MARIN: Madam Chair, one of the
18 questions that I would have is if this is happening in one
19 particular location, isn't it something that would happen
20 throughout the state of California where after a holiday
21 the increase of tonnage is widely seen? Isn't that
22 something that would traditionally happen? I don't know
23 whether staff would be --

24 CHAIRPERSON MOULTON-PATTERSON: Mr. Levenson --
25 but certainly -- I know being from Orange County we have

1 recycling Christmas tree programs throughout. But, Mr.
2 Levenson, you can probably answer this more statewide than
3 I can.

4 DEPUTY DIRECTOR LEVENSON: Certainly. I think
5 for actual numbers, we'd have to go to our colleagues in
6 the Local Planning Division. But certainly there are
7 pulses of generation that are associated with holidays.
8 And most permits probably have levels that are high enough
9 to accommodate that. I think there have been a couple --
10 of one or two other circumstances in the past where we've
11 had a permit like -- conditions like this to especially
12 accommodate holiday pulses. But it's not unusual and it's
13 accounted for.

14 BOARD MEMBER MARIN: Thank you.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.

16 Thank you very much for being here.

17 I don't see any other questions.

18 And I'd like a motion, please.

19 BOARD MEMBER MULE: Move approval.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you,

21 Ms. Mule.

22 We have a motion to approve Resolution 2004 --

23 BOARD MEMBER PEACE: Second.

24 CHAIRPERSON MOULTON-PATTERSON: -- -16 by

25 Ms. Mule and seconded by Ms. Peace.

1 Please call the roll on this permit.

2 SECRETARY WADDELL: Marin?

3 BOARD MEMBER MARIN: Aye.

4 SECRETARY WADDELL: Mule?

5 BOARD MEMBER MULE: Aye.

6 SECRETARY WADDELL: Paparian?

7 BOARD MEMBER PAPARIAN: Aye.

8 SECRETARY WADDELL: Peace?

9 BOARD MEMBER PEACE: Aye.

10 SECRETARY WADDELL: Washington?

11 BOARD MEMBER WASHINGTON: Aye.

12 SECRETARY WADDELL: Moulton-Patterson?

13 CHAIRPERSON MOULTON-PATTERSON: Aye.

14 Thank you.

15 Number 2, Consideration of the Revised Full Solid
16 Waste Facility Permit for the Rainbow Transfer Recycling
17 Company, Inc., Orange County.

18 Mr. Levenson.

19 DEPUTY DIRECTOR LEVENSON: Once again, Tad will
20 give this presentation.

21 MR. GEBRE-HAWARIAT: Good morning, again. The
22 proposed revised permit is to allow the following changes:
23 Increase the permitted area of facility from 12.68 to
24 17.59 acres; and to change the hours of operation for the
25 general public from the current period of 7:00 a.m. to

1 4:00 p.m. to 6:00 a.m. to 6:00 p.m., the same hours of the
2 commercial vehicles.

3 The facility is operating in violation of the
4 terms and conditions of the permit, because operations are
5 taking place on 17.59 acres and between 6:00 a.m. and 6:00
6 p.m. However, the violation will be corrected when the
7 Board concurs with the permit and the LEA issues a revised
8 permit.

9 Also, as we have indicated in the agenda item,
10 the LEA did not hold a public hearing relative to the
11 requirements of Assembly Bill 1497. The reason, the LEA
12 stated that although the application shows January 23rd,
13 2004, as the date of acceptance of the application
14 package, the determination of the completeness and
15 correctness of the application package for the permit
16 revision was actually completed prior to January 1, 2004,
17 the effective date of the requirements of AB 1497.

18 As we have indicated in the agenda item, other
19 than the issue relative to the terms and conditions of the
20 permit, all of the requirements for the proposed revised
21 permit have been met. Therefore, staff recommends that
22 the Board adopt Solid Waste Facility Permit Decision
23 Number 2004-161 concurring on the issuance of Solid Waste
24 Facility Permit Number 30-AB-0099. Again, the LEA
25 Ms. Henshaw is here, as is Mr. Jerry Moffatt, the company

1 Vice President. And they are ready to answer any
2 questions you may have.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you.

4 Mr. Paparian, then Mr. Washington.

5 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

6 The 1497 issue, I think I want to ask our legal
7 staff if they agree with the interpretation of the 1497
8 hearing not having been necessary in this situation.

9 And then I want to follow up with our staff as to
10 whether there's anything else in the wings like this with
11 the January 1st dated issue for 1497.

12 STAFF COUNSEL BLEDSOE: Good morning, Madam
13 Chair, members. Michael Bledsoe from the Legal Office.

14 My response to your question, Mr. Paparian, would
15 be that I don't think I would have given that advice to
16 the LEA if I were the LEA's lawyer. I think a finding of
17 complete and correct application, you know, triggers the
18 hearing requirement under 1497.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you,
20 Mr. Bledsoe.

21 Did you have any follow up to that?

22 BOARD MEMBER PAPARIAN: Yeah. So the complete
23 date of this one was January 20 something. January 23rd,
24 I think. So that would be the date you would look to as
25 the date of the application being accepted for purposes of

1 1497?

2 STAFF COUNSEL BLEDSOE: Correct.

3 BOARD MEMBER PAPARIAN: Do we have any others in
4 the wings like this? Is this the only one like this, or
5 are we setting a precedent for others?

6 DEPUTY DIRECTOR LEVENSON: Mr. Paparian, I just
7 checked with staff. And as far as we are aware of, this
8 is the only situation like this.

9 BOARD MEMBER PAPARIAN: Thank you.

10 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

11 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.
12 That's pretty much the same question I wanted to
13 ask that Mr. Paparian just asked.

14 A follow-up question is to staff. I understand
15 that you said the problem will be fixed by us passing and
16 issuing this permit. Why is it not the opposite? Why are
17 we always issuing permits and people fix their violations,
18 rather than them coming to us, they fix the problem, and
19 then we issue the permit. Do you understand what I'm
20 saying? It sounds like we're going backwards here. And
21 I've heard this several times. And I just decided I'll
22 ask the question on this one as to why are we issuing the
23 permits and fixing the people's problem for them rather
24 than it be fixed and then we issue them a permit?

25 MS. HENSHAW: Patty Henshaw with the Orange

1 County LEA.

2 What was happening was, it was actually during
3 the five-year review, we were looking at all the
4 documents, and there was some hour adjustments needed on
5 the permit and acre adjustments. So there was a
6 process -- they had to go through a different CEQA
7 analysis to get it.

8 In the meantime, the city of Huntington Beach
9 asked Rainbow to change their public hours to meet their
10 commercial hours, because they were having a lot of
11 illegal disposal happening. So in order to solve that
12 problem to create -- you know, the public health problem
13 resolving the illegal disposal meant they were violating
14 their permit.

15 So looking at that, it was more important to
16 solve the public health issue with the city than, you
17 know -- and so it took us two years of -- they had to hire
18 a survey. They did a bunch of work. We looked at all the
19 documents and updated them. It's a timing thing.

20 So, finally, we come here with a really good
21 document and the permits and all the documents updated to
22 solve the permit violation problem. But, in reality, we
23 were really trying solve a public health issue.

24 Also, I want to comment on that public meeting
25 aspect. We work with operators in draft stages for years

1 sometimes -- in this case two years on this document. And
2 then we, kind of, time it for a Board meeting when we
3 officially submit the application. So the application was
4 submitted in December. But it was around Christmastime,
5 so we didn't get to actually do the official letter saying
6 we approved the application until January.

7 But I looked at it and felt there was two public
8 meetings for CEQA; one in September of 2003 for the acre.
9 So I felt the intent of 1497 had been met, because there
10 had been a public meeting. And also, as you just heard,
11 the Bowerman permit was up for revision and they hadn't
12 done a public meeting. So I asked them to pull their
13 permit and resubmit it in 2004, because we needed to do a
14 public meeting for that facility. But Rainbow had already
15 had a public meeting, so I felt that intent was being met.

16 So it's more of a timing issue, and the fact the
17 law became effective right in January as we're kind of
18 accepting applications and which one counts and which one
19 didn't. It was kind of more of a judgment decision on
20 which one we needed to focus on and which one had already
21 done public meetings.

22 BOARD MEMBER WASHINGTON: Sorry, Madam Chair. I
23 appreciated that information. That wasn't my concern as
24 to Rainbow or those folks. It was pretty much to our
25 staff, in terms of the comfort level that I don't have

1 with approving items that we approve and then we help fix
2 people's problems.

3 Perhaps I can talk with Mr. Levenson and those
4 folks later about this. But I'm very uncomfortable with
5 approving something -- by approving something we help fix
6 somebody's problem. I think it's an oxymoron to come to
7 the Board -- and what's the purpose of this Board if we're
8 going to help fix people's problem? I mean, it doesn't
9 make good sense to me. I'll talk to you more about it.
10 It has nothing to do with yours. But I do appreciate that
11 information of that. But I'll talk to staff on that.

12 CHAIRPERSON MOULTON-PATTERSON: I certainly
13 concur with, Mr. Washington.

14 Ms. Henshaw, while you're up here -- and I know
15 we have other speakers. But I wanted to ask you, now did
16 the city of Huntington Beach have a public hearing on
17 this?

18 MS. HENSHAW: Yeah. They actually had two. One
19 in '99 for the hours, and the next one in September 2003
20 for the acre changes.

21 CHAIRPERSON MOULTON-PATTERSON: And this was
22 actually at the City Council level?

23 MS. HENSHAW: Planning level?

24 CHAIRPERSON MOULTON-PATTERSON: At the planning
25 level.

1 MS. HENSHAW: For the CEQA.

2 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

3 Ms. Marin was next.

4 BOARD MEMBER MARIN: Madam Chair, the only
5 question that I have and -- first of all, I really
6 appreciate your coming here and telling us this, because I
7 had highlighted some of these questions, and you've
8 answered them.

9 I definitely believe the reason why we have local
10 enforcement agencies is because you have that authority to
11 make the local decisions in the best way that you see fit.
12 But it did seem somewhat -- without having that
13 background, it did seem odd that they would do it, you
14 know, just prior to when the AB 1497 would come into
15 effect. Not having the background that you gave me raised
16 that question. I support what your decision is based on
17 your local experience, but it did raise the red flag.

18 MS. HENSHAW: Yeah. I understand.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you.

20 And we have Ms. Peace and then Ms. Mule.

21 BOARD MEMBER PEACE: I guess also I had a
22 question on why you issued no violations over the years
23 for the acreage and for the time when they were clearly in
24 violation at that time of their permit.

25 MS. HENSHAW: And kind of in hindsight, I looked

1 at that and thought, well, you know, we at least should
2 have issued an area concern. But Rainbow is a very good
3 operator, and the city had requested they change the
4 public hours to meet the commercial hours, because they
5 were having an illegal disposal problem. If we had noted
6 a violation, they would have had this conflict. They
7 don't want to have violations on their inspection reports
8 because they're a good operator. They would have been
9 compelled to change back their public hours, which would
10 create an illegal disposal issue. So a violation probably
11 would have reflected poorly on a really good operator
12 who's actually doing a really good job.

13 What I think this is a good example of the
14 five-year review. The five-year review is meant to look
15 at everything and see where there's been changes in
16 documents and things that kind of aren't really a
17 significant change, but they do impact the permit because,
18 you know, the numbers and adjustments.

19 And so during the five-year review in looking at
20 the acres, looking at the hours, we're going, wait a
21 minute. Things aren't adding up right. We need to do
22 adjustments. And it took a while because we had to go
23 through CEQA for both of them. And at the same time, the
24 operator -- and we decided we needed to update all the
25 documents. So we updated the report of station or the

1 report of facility information. So that took some time.

2 So it's a matter of getting all the documents in sync and
3 the timing.

4 But, you know, like we're talking about local
5 enforcement agencies, we want to reward the good operators
6 and not reflect that they're doing something wrong when
7 they're trying to make sure that their permit is
8 accurately reflecting their operations. So I agree. In
9 hindsight, I probably should have at least noted area
10 concern to, kind of, highlight there was something being
11 changed. But in the permit review process, we had a
12 document that documented all that. So it's in the file.
13 And the Board staff was familiar with it. And everybody
14 knew we needed to adjust the permit to reflect these minor
15 changes that had happened over the years.

16 CHAIRPERSON MOULTON-PATTERSON: Ms. Mule.

17 BOARD MEMBER MULE: Patty, I just have a question
18 on the acreage as well as. How long had this operator
19 been operating on the additional acreage, which basically
20 is in violation of the permit?

21 MS. HENSHAW: I'm going to have Jerry Moffatt
22 explain that. It's a little bit more complicated. But
23 he'll explain it better to you.

24 CHAIRPERSON MOULTON-PATTERSON: Mr. Moffatt.

25 MR. MOFFATT: Good morning. The area that we're

1 talking about is approximately 30 feet over from a
2 boundary. We had to perform a survey to determine that
3 line. It's five parcels that are contiguous. Actually,
4 going through the five-year review, the CUP had indicated
5 the city would like it to be one contiguous parcel. So in
6 doing that, we had to actually hire a survey to come out
7 and look at it. And we realized we were over on to one of
8 the parcels by about 30 feet.

9 The operation, to get to your question, I've been
10 at Rainbow for about eleven years. And ever since I've
11 been there, we've had a buy-back center and an area there
12 to process green waste and C&D material, also parking and
13 storage for some of our storage bins. So eleven years,
14 probably, prior to that as well. But approximately
15 30 feet into this other parcel.

16 BOARD MEMBER MULE: Thank you.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you.

18 And I would just like to say, obviously, I'm
19 very, very familiar with Rainbow and their operations in
20 Huntington Beach. This is a fine operator. They've done
21 wonderful things for the community, for the school.
22 They've been a partner with the community in everything
23 they do. This is one of the few -- I mean, there's not a
24 whole lot of independent operators left. And they do a
25 fine job.

1 I've been out there many times. And if there was
2 anything that was done, the T not crossed or I not dotted,
3 I know it was by mistake, because they have a fine
4 operation. And I can't tell you how well they do. And I
5 know Huntington Beach. And I know the City Council. And
6 I know their public hearing requirements and the lengths
7 that the City goes to. So I am very comfortable going
8 ahead and approving this. And I would like to make the
9 motion to approve Resolution 2004-161.

10 BOARD MEMBER WASHINGTON: Second.

11 CHAIRPERSON MOULTON-PATTERSON: We have a motion
12 by Moulton-Patterson, seconded by Mr. Washington.

13 Please call the roll.

14 SECRETARY WADDELL: Marin?

15 BOARD MEMBER MARIN: Aye.

16 SECRETARY WADDELL: Mule?

17 BOARD MEMBER MULE: Aye.

18 SECRETARY WADDELL: Paparian?

19 BOARD MEMBER PAPARIAN: Aye.

20 SECRETARY WADDELL: Peace?

21 BOARD MEMBER PEACE: Aye.

22 SECRETARY WADDELL: Washington?

23 BOARD MEMBER WASHINGTON: Aye.

24 SECRETARY WADDELL: Moulton-Patterson?

25 CHAIRPERSON MOULTON-PATTERSON: Aye.

1 Number 3.

2 DEPUTY DIRECTOR LEVENSON: Madam Chair, before we
3 go to Number 3, I just do want to acknowledge Mr.
4 Washington's concern. And we will follow up with you.

5 Also indicate that the Orange County LEA and Ms.
6 Henshaw, in particular, are held in high regard around the
7 state. And we will be talking to them. And we already
8 have talked to her a little bit about this issue of the
9 violations for a situation like this. So we will continue
10 discussions with them.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you for all
12 being here. We appreciate it.

13 DEPUTY DIRECTOR LEVENSON: Item Number 3 is
14 Consideration of a New Full Solid Waste Facilities Permit
15 for Compostable Materials Handling Facility for the South
16 Kern Industrial Center Composting Facility, in Kern
17 County.

18 Chris Deidrick is going to give this
19 presentation. We have -- as part of this, there are some
20 slides to give you an overview. This is a little bit
21 unusual situation in terms of its location.

22 (Thereupon an overhead presentation was
23 presented as follows.)

24 MR. DEIDRICK: Good morning, Madam Chair, and new
25 and old Board members.

1 The construction of the proposed bio-solid
2 composting facility is projected to begin during the
3 months of December 2004 or January 2005. The operator
4 estimates the composting facility will be operational
5 within 14 to 16 months after construction begins.

6 The owner and operator of the proposed South Kern
7 Industrial Composting Center is the South Kern Industrial,
8 LLC.

9 The proposed new solid waste facility permit will
10 include the following specifications, conditions, and
11 restrictions. The facility will be permitted as a
12 compostable materials handling facility. It will be
13 permitted to operate 24 hours per day, 7 days per week.
14 The maximum daily tonnage will be 5,700 wet tons per day.
15 The facility will be located on 100 acres within the 744
16 acre South Kern Industrial Center. The design capacity of
17 the facility will be 670,000 wet tons per year, which
18 includes 400,000 tons of organics and 270,000 tons of
19 bulking agent.

20 The organic component, or the feedstock, will
21 include biosolids, pre-consumer food waste, and manure.
22 And the bulking agents include such thing as wood chips,
23 pistachios, almond hulls, orchard trimmings, and cotton
24 gin waste.

25 The Kern County Board of Supervisors adopted a

1 Statement of Overriding Considerations for the development
2 and operations of this proposed biosolid composting
3 facility. This was due to environmental impacts that
4 cannot be mitigated or substantially lessened and remain
5 significant and unavoidable.

6 The impacts include: One, long term and
7 increasing air quality degradation as a result of
8 environmental, mobile, and stationary pollution sources;
9 two, potential for increased harm to rare and endangered
10 wildlife species; and three, exposure of project employees
11 to spray drift from the application of agricultural
12 chemicals.

13 The Kern County Board of Supervisors adopted a
14 Mitigation Measures Monitoring Program that includes 35
15 mitigation measures to address these environmental
16 impacts.

17 Next, I'll cover the slides and the photos that I
18 have before you. Just to give you a general overview of
19 where the project will be located and the surrounding
20 area, the dark bordered area is the actual permitted
21 boundaries of the permitted project. The red highlighted
22 or shaded areas is where the 100 acre proposed composting
23 facility will be constructed.

24 Now, just north to that red shaded area, you see
25 a blue shaded area, which is zoned for heavy industrial

1 use. And then north of that is a catfish farm ski lake.

2 And just for a note, the one resident that lives within a
3 two-mile radius of this facility is actually the caretaker
4 that lives at the catfish farm ski resort -- I mean lake.

5 Now, the location and types of crops surrounding
6 this facility were provided by staff at the Department of
7 Pesticide Regulation. And what they did is they went to
8 the Kern County Agricultural Commissioner, and through a
9 restricted use permit maps, located -- and that's for
10 different types of pesticides used in the areas -- located
11 the different types of crops currently grown around the
12 facility. As you can tell, to the north and south of the
13 facility, cotton is grown. And then to the south, carrots
14 and cantaloupe are also cultivated. And according to the
15 maps provided by the Department of Pesticide Regulation,
16 the nearest crop to this proposed facility currently is
17 about one half mile.

18 --o0o--

19 MR. DEIDRICK: Now, the next series of photos
20 just gives you a general idea of the surrounding area.
21 It's pretty much either -- it's undisturbed.

22 This is just to the north of the facility. In
23 the -- if you look in the far upper-right hand corner,
24 there's a structure. That's where that industrial use
25 area is.

1 --o0o--

2 MR. DEIDRICK: This is to the east of the
3 facility. Here again, similar terrain.

4 --o0o--

5 MR. DEIDRICK: Also this is south.

6 --o0o--

7 MR. DEIDRICK: And then here we are to the west.

8 And right at the four -- or the bottom of this
9 picture, you can see the overgrown South Pacific Railroad
10 there. When I went out there, I was looking for this
11 railroad. And I actually had get out of the car, and I
12 stumbled upon it. Most of it is under heavy growth right
13 now.

14 Finally, I should note that Board staff was
15 informed by the Kern County Local Enforcement Agency that
16 three phone calls were received last week from two
17 separate parties concerning this proposed permit. The two
18 individuals were concerned about the impact of the
19 proposed facility on air emissions, truck traffic, county
20 roads, and the viability of the aerated static pile
21 composting system that's proposed in this permit. It
22 should be noted that the Local Enforcement Agency has not
23 received any written comments in opposition to this
24 project.

25 In conclusion, the Board staff have determined

1 that all the requirements for the proposed permit have
2 been fulfilled. Board staff recommended that the Board
3 adopt Board Resolution Number 2004-152 concurring in the
4 issuance of Solid Waste Facility Permit 15-AA-0381.

5 That concludes my presentation. Here today to
6 respond to any questions on this item is the Kern County
7 Local Enforcement Agency representative, Diane Wilson.
8 And also representing the operator is John Goodwin and Liz
9 Oshtalk. I hope I'm not mispronouncing her name.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you.

11 Any questions?

12 Mr. Washington.

13 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

14 I'd like to move adoption of Resolution 2004-162.

15 CHAIRPERSON MOULTON-PATTERSON: I'll second it.

16 We have a motion by Washington, seconded by
17 Moulton-Patterson to approve Resolution 2004-162.

18 Without objection, please substitute the previous
19 roll call.

20 Number 4.

21 DEPUTY DIRECTOR LEVENSON: Number 4, Madam Chair,
22 is Consideration of a New Full Solid Waste Facilities
23 Permit for Transfer Processing Facility for the Premiere
24 Recycling Facility in Santa Clara County.

25 This will be presented by Laura Niles.

1 MS. NILES: Good afternoon.

2 This facility is owned and operated by Premiere
3 Recycling, the proposed large volume transfer and
4 processing station. Board staff has determined that the
5 following findings on page 4-3 of your packet have been
6 made.

7 Therefore, in conclusion, staff recommend that
8 the Board adopt the Solid Waste Facility Permit Decision
9 2004-162 concurring in the issuance of Solid Waste
10 Facility Permit 43-AN-0023. Representatives of the LEA
11 and the operator are present to answer any questions you
12 may have.

13 This concludes staff's presentation.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you very
15 much.

16 Seeing no questions, Mr. Washington, you want to
17 move this?

18 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.
19 I'd like to move adoption of Resolution 2004-163.

20 BOARD MEMBER MARIN: Second.

21 CHAIRPERSON MOULTON-PATTERSON: We have a motion
22 by Mr. Washington, seconded by Ms. Marin.

23 Please substitute the previous roll call without
24 objection.

25 That brings us to Number 5. And we have some

1 speakers on Number 5.

2 DEPUTY DIRECTOR LEVENSON: Number 5 is the last
3 of our permit items. This is Consideration of a Revised
4 Full Solid Waste Facilities Permit Disposal Facility for
5 the Tehama County Red Bluff Landfill in Tehama County.

6 Christy Karl is going to make that presentation.
7 Before she does, I want to point out that this particular
8 permit is being considered in the context of what is known
9 as the existing Board policy on long-term gas violations.
10 I can go into this in more detail. We are, per the
11 Board's direction in April, putting this into the
12 regulatory process, that long-term gas violation with
13 additional criteria and conditions. But we are still only
14 part way through that regulatory process. So the existing
15 policy is what we are operating under for this
16 consideration.

17 Christy.

18 MS. CARL: Good morning, members of the Board.

19 The Tehama County Red Bluff Landfill is owned and
20 operated by the Tehama County City of Red Bluff Landfill
21 Management Agency. This revision is coming forward to
22 permit landfilling operations in Phase 2, a noncontiguous
23 Subtitle D compliant landfill cell next to the current
24 Phase 1 area.

25 The proposed permit indicates an extension of the

1 ultimate closure date with the addition of Phase 2, and
2 clarifies the acreage totals between the landfill property
3 and the adjacent materials recovery facility, which is
4 also owned and operated by the agency.

5 At the time this report was prepared, three
6 determinations were pending, which prevented staff from
7 making a recommendation. All findings and determinations
8 have since been made. These include compliance with state
9 minimum standards, except for the gas -- continuing gas
10 violation. The financial assurances have been found
11 adequate, and the LEA has issued a Notice and Order.
12 Therefore, staff finds the operator meeting the intent of
13 the long-term State Minimum Standard Policy.

14 If the Board also finds this site consistent with
15 the policy, staff recommend's the Board concur on issuance
16 of Solid Waste Facilities Permit 52-AA0001 and adopt
17 Resolution 2004-164. The Alans are here. Alan Abs
18 representing the operator, and Alan Fleming representing
19 the LEA to answer any questions. And this concludes staff
20 presentation.

21 DEPUTY DIRECTOR LEVENSON: For the record, Madam
22 Chair, you should all have received a copy of revised
23 Attachment 4, which is the Notice and Order that was
24 issued yesterday. And there are copies out on the back
25 table for the public.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you.

2 Ms. Peace.

3 BOARD MEMBER PEACE: Howard, did we also get
4 confirmation on their Post-Closure Maintenance Plan and
5 their operating liability? Wasn't that something else
6 that was to be determined before the Board meeting?

7 DEPUTY DIRECTOR LEVENSON: Christy can speak to
8 that more. We have checked with our closure staff and
9 assurances, and they are in compliance.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you.

11 Mr. Paparian.

12 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

13 I know on the Notice and Order, Howard, you had
14 some prior concerns about the specificity and language.
15 Are you comfortable with what we have before us on the
16 Notice and Order?

17 DEPUTY DIRECTOR LEVENSON: Yes, Mr. Paparian.

18 We've been meeting with the LEA and operator over
19 the last few weeks, and we met again yesterday morning and
20 worked on it on into the afternoon. And the current
21 revision on page 3 of the Notice and Order, in particular,
22 has a listing of specific actions with compliance dates.
23 It includes if any amendments are needed to the Closure
24 Plan. It's clear that that has to be submitted by October
25 1st. And if there's continued gas problems in exceedance

1 of the 5 percent limit, there's a date in here prior to
2 the expected final disposal of waste, or by October 15th
3 the operator shall, within 30 days, implement the
4 contingency plans. So there's some very specific actions
5 to be taken here.

6 I also do want to indicate that there has been a
7 lot of improvement at this site over the last year to year
8 and a half with the new operator. There has been a lot of
9 work done on the gas monitoring and extraction system so
10 that levels have come down. We still have these two
11 problem wells.

12 BOARD MEMBER PAPARIAN: On the long-term gas
13 violation policy, we're in sort of this awkward situation,
14 in my view, where we do have an existing policy to allow a
15 deviation from what seems to be in place in statute on
16 long-term gas violations. That policy looks to me like an
17 underground reg. We have regs coming into place which
18 would address the issue and certainly take away the
19 argument they were an underground reg.

20 Does this -- if you look at the proposed regs --
21 I know this hasn't gone into place yet. If you look at
22 the proposed regs, does what we're being asked to do here
23 today in any way deviate from those proposed regs?

24 DEPUTY DIRECTOR LEVENSON: We did look at that
25 question in general, Mr. Paparian, and the answer is no,

1 they do not. The proposed plan does not deviate from
2 those proposed regulations. This is also a little
3 different than some of situations we contemplated or
4 looked at in the past where there was purchase of property
5 and an expansion of the boundary to, in some ways, get
6 away from having the compliance problem at the boundary.

7 But in this case, new cell is totally lined and
8 has its own separate gas monitoring system. There are
9 contingency plans in place that have been looked at by the
10 Board staff. If there are any changes, we'd have to
11 review those and through the LEA approve those. And those
12 are some of the conditions we'd be looking at under the
13 draft regulatory framework.

14 BOARD MEMBER PAPARIAN: When are we going to get
15 those regs back to us?

16 DEPUTY DIRECTOR LEVENSON: The Board approved
17 their issuance for the 45-day comment period. We are --
18 at least as of last week when we checked, we were waiting
19 for some feedback from the Air Resources Board which
20 performs the initial economic analysis. And once we get
21 that, then we can finalize the package and submit it to
22 OAL. It could be that the 45-day comment period will
23 start. I don't have an exact date. It would be July or
24 August when that starts. We'll have to get back to you
25 after that.

1 BOARD MEMBER PAPARIAN: Thank you.

2 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

3 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

4 So, Howard, let me make sure I'm clear. The Red
5 Bluff Landfill has been in violation since I came to this
6 Board. I remember the issue came up. So with the
7 existing regs right now as they exist say we can't stop
8 them from operating. Because, as it seems to me, they're
9 in violation of gas regulations as we speak. We're
10 talking about adding 2,464,000 cubic yards of other stuff
11 on top of this already violated landfill with gas in Phase
12 2?

13 DEPUTY DIRECTOR LEVENSON: Phase 2 would be a
14 separate adjacent cell. It will be totally lined and have
15 its own separate gas monitoring and extraction system and
16 leachate collection system. It would definitely not be on
17 top of this current cell, which is not up to full Subtitle
18 D standards. And we do expect that.

19 BOARD MEMBER WASHINGTON: But it will be operated
20 by the Red Bluff Landfill folks who are in violation right
21 now.

22 DEPUTY DIRECTOR LEVENSON: Correct. But this
23 permit came to you for revision in February of 2003. At
24 that point -- and we can ask the operator to give you more
25 detail. But roughly around that time or a little bit

1 beforehand, there had been a change in the operator
2 because the county had recognized there have been
3 continuing problems with this site.

4 There's a new contract operator. They have
5 installed a lot of gas monitoring and extraction equipment
6 over the last year, year and several months. And the
7 problem has come down quite a bit. In the past year or so
8 ago, there were exceedances on the order of 20, 30, 40
9 percent. Now we're down to two wells that have gas levels
10 at the 5 to 10 percent level, which is above the limit.

11 BOARD MEMBER WASHINGTON: Is there any other
12 landfills in this country?

13 MS. KARL: No, sir.

14 BOARD MEMBER WASHINGTON: There's no other
15 landfills.

16 I mean, Madam Chair, I'm just having a hard time
17 supporting something like this where even with Phase 1,
18 they're operating in violation and we're going to continue
19 to allow them to operate in violation. When do we say,
20 "You can't operate like this any more"? When does it
21 stop? When do we say to those folks, "You have to fix
22 this problem. You have a gas problem and you have to fix
23 it." I mean, at some point it has to stop.

24 DEPUTY DIRECTOR LEVENSON: That is part of the
25 Board's debate on this subject over the last two or three

1 years --

2 BOARD MEMBER WASHINGTON: Yeah. I remember.

3 DEPUTY DIRECTOR LEVENSON: -- and the reason why
4 we're putting this into the regulatory process. This is a
5 difficult one. In this particular situation of gas
6 violations, it takes a long time and a large investment
7 financially and time wise to correct a gas violation.
8 It's not something that can be done, like put in a litter
9 crew or anything like that. In this case -- I don't know
10 the exact figures. Alan Abs can speak to how much has
11 been invested. But it's many hundreds of thousands of
12 dollars that have been invested. And there has been
13 improvement.

14 But it is something we all recognize, that these
15 long term gas violations can take a year or two years to
16 correct, even under good circumstances and good effort by
17 the operators. It's something that has to be fine tuned.
18 You have to see where the gas flows are. You have to be
19 careful not to be pulling in oxygen outside the area where
20 waste is, because that can cause problems. It's very
21 difficult.

22 CHAIRPERSON MOULTON-PATTERSON: My suggestion is
23 we go ahead and hear the speakers and maybe they'll shed
24 some light on it. First of all -- well, you can go in any
25 order. I have speaker slips for W. Michael Carroll and

1 Alan Abs.

2 MR. ABS: Yes, Madam Chair. My name is Alan Abs.

3 I'm the Solid Waste Director for the Tehama County Red

4 Bluff Landfill Management Agency. I've also brought along

5 Michael Carroll who was our gas extraction system

6 designer, if the Board members have any questions speaking

7 to the design.

8 But before I talk about the progress,

9 specifically with the results that we've had with the

10 system, I'd like to say that the extraction system that we

11 did put in was entirely done as a result of the Waste

12 Board's Facility Compliance Loan Program. And so we

13 wouldn't be where we are today without the help of the

14 Waste Board in the form of almost a half-a-million dollar

15 grant or interest-free loan to put in this extraction

16 system.

17 BOARD MEMBER WASHINGTON: Let me ask you a

18 question. Are you guys piecemealing this down the road,

19 because it seems you guys are just taking care of one

20 thing at a time and trying to show good faith efforts, but

21 it's still -- you still have a problem. When does the

22 problem stop?

23 MR. ABS: Mr. Washington, when we first put in

24 the system in December 2002, we had -- of the 15 probes

25 that are around the Tehama County site, nine of those

1 probes were above state minimum standards. And over seven
2 of those probes were above 50 percent methane. In the 18
3 months that we've been operating this extraction system,
4 we've gone from nine probes being over the 5 percent limit
5 down to two probes being over the 5 percent limit. Those
6 two probes are at 8 percent and at 10 percent.

7 And I fully expect that one of these days I'm
8 going to go out with my test equipment, and I'm going to
9 measure those wells and they're going to be at 5 percent.
10 Every time I go out and do that, I have hopes that today
11 is going to be the day.

12 But I would just hope that the Board members
13 would understand that, as Mr. Levenson said, it does take
14 a long time to get gas out of the landfill site once you
15 start finding gas in the parameter wells. And Tehama
16 County is very lucky to have very hard clay around our
17 landfill. It was measured at five times ten to the minus
18 eighth, and that was uncompacted. So that's something
19 that most operators would kill for in terms of daily
20 operations. It's not so good for methane gas, getting it
21 away from a landfill.

22 And in the 18 months that we've been operating
23 this system, we're trying to get many years of gas away
24 from the site. And in some cases, these probes are 100
25 yards away from the landfill itself. And it just takes

1 time. And I ask for the Board's understanding on that.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you.

3 Did Mr. Carroll wish to speak also?

4 MR. ABS: He's mostly here to answer any
5 questions about the design. He can certainly come up and
6 say --

7 BOARD MEMBER WASHINGTON: Mr. Carroll, can you
8 step to the mic, in terms of the design.

9 CHAIRPERSON MOULTON-PATTERSON: Welcome,
10 Mr. Carroll.

11 MR. CARROLL: Madam Chairman, Board members.

12 BOARD MEMBER WASHINGTON: Will this design cure
13 the problem we're having with the violations on a
14 continuing basis?

15 MR. CARROLL: Yes, sir. I believe it will.

16 BOARD MEMBER WASHINGTON: Then you might have to
17 come back and answer this question. When will this be put
18 into effect? When does it take effect?

19 MR. CARROLL: Well, sir, we're seeing continuing
20 improvements. We expect within a couple months. The
21 agency has put in a second system. They're actually
22 extracting the gas from the soil. It may be an important
23 technical issue that we're measuring the methane in the
24 soil away from the landfill.

25 Now our landfill gas system, we feel confident,

1 has stopped the gas from leaving the landfill itself. But
2 it has not been able to gather the gas which has left the
3 landfill these past decades. That's trapped out in the
4 soil. And that's what we continue to measure in our
5 monitoring probes. But we fully believe that the gas is
6 no longer leaving the landfill. And it's up to the forces
7 of nature, I guess, and this other soil gas extraction
8 system to clear out that old gas, which is trapped in the
9 sand lenses between the clay lenses around the landfill.

10 BOARD MEMBER WASHINGTON: It's certainly
11 important that you guys get this resolved, because this is
12 the only landfill in the county. And they're continuing
13 to operate like that, I mean, is just -- you can't
14 continue to do that. You have to fix this problem. And
15 hopefully you guys will get that done. I'm glad to hear
16 you say that within a couple of months you will have
17 something there that will hopefully fix this problem for
18 you.

19 MR. ABS: Yes, sir. And, for instance, the well
20 which has proven to be the most difficult -- in March the
21 Waste Board staff came up to the site and independently
22 measured the gas in that well at 26 percent. They came
23 out last week and measured that well at -- I can't
24 remember if that was 8 percent or 10 percent. But we're
25 getting very close.

1 And as Ms. Karl mentioned, this is a
2 noncontiguous landfill. Our site is crisscrossed by
3 Western Area Power Authority high voltage transmission
4 lines. So we can put a landfill on one side of the line
5 and on another side of the line. We're prevented from
6 doing anything under those power lines. And so as a
7 result, this is an entirely new landfill Subtitle D
8 compliant. And as part of our permit through the Water
9 Quality Control Board, we're putting in methane gas
10 systems as we put waste in the landfill. So we won't get
11 into this problem where we're trying to be reactive.
12 Instead, we're going to be proactive.

13 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you
14 very much.

15 I did want to mention that on my 58-county tour
16 of the state, I did visit this landfill and spoke with --
17 not you, but some of the people that work there. And I
18 know they're in a very rural, rural area and they're
19 working very hard.

20 Any other comments, Mr. Levenson?

21 Ms. Peace.

22 BOARD MEMBER PEACE: I just have a question. The
23 new Phase 2 section you're going to be opening, are you
24 going to be installing a gas collection system in that as
25 you build that?

1 MS. ABS: Yes, ma'am. As part of our permit
2 through the Water Board, we'll be putting in horizontal
3 gas collection lines as part of our operations. As soon
4 as we get a certain layer of waste in the bottom of that
5 landfill, we'll be activating the gas extraction system in
6 that new landfill. And, unfortunately, we can't do it on
7 the very day that we start waste operations, because it
8 creates a fire hazard. But once you get a certain level
9 of waste over those gas lines, then you can start pulling
10 gas out of that system. And so, yes, that's what we're
11 doing.

12 BOARD MEMBER PEACE: So hopefully the Phase 2
13 won't have the problems that you had in Phase 1.

14 MR. ABS: Correct.

15 CHAIRPERSON MOULTON-PATTERSON: Okay. Ms. Peace.

16 BOARD MEMBER PEACE: With that, I'd like to move
17 Resolution Number 2004-164, Consideration of a Revised
18 Full Solid Waste Facilities Permit Disposal Facility for
19 the Tehama County Red Bluff Landfill, Tehama County.

20 BOARD MEMBER MARIN: Second.

21 CHAIRPERSON MOULTON-PATTERSON: We have a motion
22 by Ms. Peace, seconded by Ms. Marin.

23 Without objection, please substitute the previous
24 roll call.

25 And thank you very much for being here and

1 explaining to us.

2 MR. ABS: Thank you very much. And if the Board
3 members would ever like to see a facility compliance loan
4 in action, I welcome them up to Tehama County to see what
5 we're doing.

6 CHAIRPERSON MOULTON-PATTERSON: Great. Well, I
7 enjoyed it very much. Thank you.

8 Number 6. This one was proposed for consent and
9 pulled off, so we'll go ahead with that. It's
10 Consideration of a Memorandum of Agreement with the County
11 of San Luis Obispo for Enforcement Agency Duties.

12 DEPUTY DIRECTOR LEVENSON: I will turn that over
13 to Sue Markie from our Facility Operations Branch and who
14 runs the Enforcement Agency Section.

15 CHAIRPERSON MOULTON-PATTERSON: Okay. Ms.
16 Markie.

17 SUPERVISOR MARKIE: Good morning, Madam Chair,
18 and members of the Board.

19 Currently, this Board serves as the enforcement
20 agency in the counties of Santa Cruz and Stanislaus and
21 the cities of Berkeley, Paso Robles, and Stockton.

22 Today's item before you is due to the fact that
23 San Luis Obispo County has withdrawn its designation of a
24 Local Enforcement Agency, and does not plan to designate
25 another agency. As a result, this Board will become the

1 enforcement agency for the county on July 1st, 2004. As
2 such, per statute, the Board is required to enter an
3 agreement with the local governing body.

4 In August 1996, the Board delegated all local
5 governing body agreement duties and responsibilities to
6 the Executive Director, except for the final approval of
7 agreements. This agreement identifies jurisdictional
8 boundaries, addresses powers and duties to be performed by
9 this Board as the enforcement agency, and identifies an
10 estimated workload and anticipated costs, as well as cost
11 recovery procedures for the Board.

12 The Board enforcement agency and legal staff have
13 been working with the County and the city of Paso Robles
14 to finalize a Memorandum of Agreement, and has proposed a
15 final version, which is Attachment 1. The city of Paso
16 Robles City Council will act on this agreement today, June
17 15th, 2004. The county of San Luis Obispo, Board of
18 Supervisors, will act on this agreement on June 22nd,
19 2004.

20 Attachment 2 provides an estimate for tasks
21 associated with being the enforcement agency. This
22 estimate includes all duties normally completed by a Local
23 Enforcement Agency including, but not limited to, monthly
24 inspections; preparation of new permits; permit reviews
25 and permit revisions; investigations of closed, illegal,

1 and abandoned sites; review of closure plans; California
2 Environmental Quality Act; response to complaints and
3 enforcement-related actions; administrative functions,
4 including any necessary public meetings and hearings.

5 The estimated workload to perform these tasks is
6 1736 hours per year, which is equivalent to a one-time
7 position. The estimated yearly cost is a little under
8 200,000, and this includes a little over 10,000 for travel
9 related costs.

10 The owners and operators will be billed for hours
11 spent directly related to their site, plus a percentage of
12 the jurisdictional costs. For example, travel, per diem,
13 et cetera, on a quarterly and/or biannual basis. Our
14 current billing rate is the \$105 per hour. This rate is
15 calculated annually for each fiscal year and will be
16 adjusted accordingly.

17 Enforcement agency staff will oversee at least 30
18 facilities, including five landfills, one transfer
19 station, ten composting facilities operations, two C&D
20 facilities, and at least twelve closed landfill sites. As
21 new facilities are identified in the jurisdiction, the
22 workload and the cost would be adjusted accordingly.

23 The Board has been serving as the enforcement
24 agency for the city of Paso Robles, which is within the
25 county, since October 1995. And we've entered into such

1 an agreement with the city in September 1997. The Board
2 and city acknowledge and agree that on the effective date
3 of the attached agreement, the September 1997 agreement
4 between the Board and the city will terminate and will
5 have no further effect. Administrative and financial
6 division staff perform accounting for the enforcement
7 agency billing.

8 Staff recommend Option 1, that the Board approve
9 the Memorandum of Agreement with the County of San Luis
10 Obispo and the city of Paso Robles for enforcement agency
11 duties, Resolution 2004-165 revised.

12 This concludes my presentation. If you have any
13 questions, I'll be happy to answer them.

14 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

15 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

16 Very helpful presentation. I think this is the
17 first time since I've been on the Board that we've had
18 this type of situation come up.

19 I want to ask a couple questions about the costs
20 and recovery of the costs. So, as I understand it, we
21 will -- if we go inspect a landfill or a C&D facility or
22 whatever it might be, we charge whatever that number of
23 hours was, plus some overhead for administrative and
24 accounting and so forth. Those folks get billed
25 quarterly, I think you said.

1 MS. MARKIE: Quarterly or biennially.

2 BOARD MEMBER PAPARIAN: Okay.

3 MS. MARKIE: Whatever's easier on the accounting
4 folks.

5 BOARD MEMBER PAPARIAN: And we have to divert one
6 full-time staff person from other duties to take this on.
7 So if we had other situations like this come up, we could
8 get -- we're probably already strapped for staff. But we
9 can get in real trouble staff-wise if we didn't get some
10 additional staff.

11 DEPUTY DIRECTOR LEVENSON: That's correct,
12 Mr. Paparian.

13 We can absorb this particular circumstance by
14 shifting some duties around. But with the local budget
15 constraint that jurisdictions are facing, there's no way
16 we can predict whether additional jurisdictions are coming
17 our way. But it is a concern. And we have checked with
18 our Budget Office, and we will need to get additional
19 expenditure authority to receive those reimbursable funds
20 and there also will be a staffing issue in the future,
21 should we have to take on more jurisdictions.

22 BOARD MEMBER PAPARIAN: And then in terms of --
23 some of these sites are unbillable, like the illegal and
24 abandoned sites and so forth. How do we recover our costs
25 associated with those facilities?

1 MS. MARKIE: Well, in the past, originally with
2 CIA sites, we were fining the property owners and we were
3 billing them. But it was only like five to 15 minutes,
4 because a lot of them are just fields. They're just
5 there. They're on the list, but there's no problems
6 associated with such. But we still would go by on an
7 annual basis.

8 What we found is that the people may not be
9 accountable for the ten minutes, and it was costing a lot
10 of time and effort from both our end and accounting staff
11 to try to collect a few dollars. So we just try to
12 combine those. If we're in the area, we'll go by. We
13 combine the tasks so that we're really not -- we didn't
14 find it feasible to bill for ten minutes. It's absorbed
15 for the whole county for the few sites that fall under
16 that situation.

17 BOARD MEMBER PAPARIAN: When you add that up over
18 a year's time period, and that's a few thousand dollars,
19 does that come out of IWMA or it just sort of gets
20 absorbed --

21 MS. MARKIE: It gets absorbed into our workday.

22 BOARD MEMBER PAPARIAN: And then if somebody --
23 we have some recent requirements on C&D facilities, on
24 expansions, and other facilities for things like public
25 hearings and workshops. Now, I could imagine if you had a

1 small C&D facility, you know, if you had a public hearing
2 requirement, you could envision 20, 30, 40 hours of staff
3 time to make that public hearing happen, conduct the
4 public hearing, and do whatever follow. So we would
5 charge the permit applicant, say it was 20 hours, 20
6 times -- a couple thousand dollars. We would just charge
7 them whatever the hours were associated with that?

8 MS. MARKIE: Correct.

9 BOARD MEMBER PAPARIAN: Okay.

10 MS. MARKIE: We try to do it in the most
11 time-efficient manner, strictly because, I mean, it's not
12 only logical but also ethical. So I would try to conduct
13 that in a lot less than 20 hours. But in the ones that
14 we've done in the past, the operators were billed
15 accordingly for the time spent.

16 BOARD MEMBER PAPARIAN: So people know when they
17 apply for a permit or permit expansion, they know about
18 all this and the estimated costs and so forth?

19 MS. MARKIE: They do. And we try to give them a
20 heads-up on the timing.

21 BOARD MEMBER PAPARIAN: Thank you.

22 CHAIRPERSON MOULTON-PATTERSON: Ms. Peace.

23 BOARD MEMBER PEACE: You're saying we could
24 absorb the extra duties with the staff we have now. Why
25 wouldn't we want to put in a budget change proposal for at

1 least an additional person with the Department of Finance
2 now? Why wouldn't we want to do that?

3 DEPUTY DIRECTOR LEVENSON: That's certainly
4 something we can consider. The budget change process is
5 confidential, but we could consider that.

6 CHAIRPERSON MOULTON-PATTERSON: Ms. Marin.

7 BOARD MEMBER MARIN: Madam Chair, the question
8 for me is the same thing that my other colleagues have
9 suggested. I would presume -- and certainly, I don't
10 think we have this kind of request coming to us and on and
11 on. And we wouldn't to be the enforcement agencies for
12 these local entities.

13 My question is in foreseeing that maybe there
14 might even be another one coming down the pipe -- and I
15 don't know that there is -- but as the Board can we
16 anticipate doing something about that so that it just
17 doesn't come out of our budget? I want us to think long
18 term and bigger and better. And we don't have to have
19 that question answered today. I just -- you know, we need
20 to think very strategically. Should something -- an
21 unforeseen circumstance happen, how would we be prepared
22 to deal with that in the future? I know we can absorb
23 this one, and there will be some recovery and so forth. I
24 understand that. But we need to be looking ahead.

25 CHAIRPERSON MOULTON-PATTERSON: I appreciate very

1 much you pointing that out, Ms. Marin, because I think
2 with local governments and the way things are going this
3 could happen again. It's something maybe perhaps,
4 Mr. Leary, you could report back to the Board or, you
5 know, a projection or what we would do so we would be
6 prepared.

7 EXECUTIVE DIRECTOR LEARY: Absolutely, Madam
8 Chair. In fact, as we've interacted among ourselves and
9 looked into the future, we've identified this issue as a
10 potentially high profile issue for this Board. As local
11 jurisdictions' budgets shrink and state support shrinks,
12 we may get some push back from them for duties like this.
13 I think your comments are very timely. And we've had
14 similar thoughts. And we ought to think about that in
15 upcoming budget. I appreciate the guidance.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you.

17 Do you want to make the motion, Mr. Paparian?
18 Have your questions been answered?

19 BOARD MEMBER PAPARIAN: Yes. Thank you very
20 much. I'll make the motion, but there's a bunch of blanks
21 in the resolution. Staff will fill those in as
22 appropriate. I think we don't even know some of these
23 dates and numbers yet.

24 DEPUTY DIRECTOR LEVENSON: Yes. Sue did indicate
25 the dates that the city and the Board of Supervisors are

1 going to be considering that. So as soon as they do
2 presumably approve the Memorandum, then we will revise the
3 Resolution.

4 I will point out to you, though, just so it's on
5 the record -- well, I'm sorry. I'll just withdraw that.
6 We'll revise it.

7 BOARD MEMBER PAPARIAN: You'll fill it in as
8 appropriate.

9 With that understanding, I'll move Resolution
10 2004-165 Revised, Consideration of the Memorandum of
11 Agreement with the County of San Luis Obispo for
12 Enforcement Agency Duties.

13 BOARD MEMBER MULE: Second.

14 CHAIRPERSON MOULTON-PATTERSON: We have a motion
15 by Mr. Paparian, seconded by Ms. Mule to approve
16 Resolution 2004-165 revised.

17 Without objection, please substitute the previous
18 roll call. Hearing no objections, okay.

19 I think now would be a good time to break for
20 lunch. The Board will be back in session at 1:45. Is
21 that okay with everyone? Thank you very much.

22 (Thereupon a lunch recess was taken.)

23 CHAIRPERSON MOULTON-PATTERSON: I'd like to call
24 the meeting back to order, please. Any lunch time ex
25 partes?

1 Ms. Mule.

2 BOARD MEMBER MULE: Nothing. Thank you.

3 CHAIRPERSON MOULTON-PATTERSON: Thanks.

4 Ms. Peace.

5 BOARD MEMBER PEACE: No. I'm up to date.

6 CHAIRPERSON MOULTON-PATTERSON: Thanks.

7 I'm up to date.

8 Ms. Marin.

9 BOARD MEMBER MARIN: No.

10 BOARD MEMBER PAPARIAN: I'm up to date.

11 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

12 BOARD MEMBER WASHINGTON: Mayor of Huntington

13 Park.

14 CHAIRPERSON MOULTON-PATTERSON: Okay. Welcome,

15 Mayor. Okay.

16 We are on Item Number 7. Mr. Levenson, Number 7.

17 DEPUTY DIRECTOR LEVENSON: Good afternoon, Madam

18 Chair.

19 Item 7 is Consideration of the Contractor for the

20 Environmental Investigation Services Contract for the

21 Closed, Illegal, and Abandoned Site Investigation Program.

22 Closed and illegal and abandoned site we often call CIA

23 Program. So you'll hear that term from time to time.

24 I'm going to turn that over to Scott Walker to

25 make the presentation.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you.

2 Good afternoon, Mr. Walker.

3 BRANCH MANAGER WALKER: Thank you. Scott Walker,
4 Permitting and Enforcement Division.

5 Before I go into this item, run through pretty
6 quick, I'd like to thank Brad Penick, Tiffany Donohue,
7 and Jennifer Burnett for the really good work on
8 implementing the contract process.

9 The proposed contract provides specialized
10 environmental investigation services, including trenching,
11 bore holes, landfill gas probes, and surveys to support
12 LEA and Board site and facility investigation and
13 enforcement.

14 The Board approved the scope of work for the
15 contract in February of 2004. The Board's implemented one
16 previous investigation services contract awarded in April
17 of 2002. That contract expired and was fully utilized.
18 To secure a contractor for these services, staff
19 implemented the request for qualifications process in
20 accordance with state requirements and Board direction.

21 In conclusion, staff recommends adoption of
22 Resolution 2004-166 to award the contract for
23 environmental investigation services to Ninyo and Moore.

24 Thank you. I'd be happy to answer any
25 questions.

1 CHAIRPERSON MOULTON-PATTERSON: I see no -- Mr.
2 Washington.

3 BOARD MEMBER WASHINGTON: Scott, we have staff
4 that does this type of work; is that correct? We have the
5 helicopters and all these folks that fly over. That's for
6 our tires, or do they do it for --

7 BRANCH MANAGER WALKER: That's a separate
8 contract for the Tire Program for aerial surveillance.
9 This contract, the aerial component is -- an example is
10 it's essentially photogrammatic surveys, where they fly
11 over a site, if we need to know how much material is there
12 and whether it's going off on some adjacent property or
13 not. And that's what this contract allows us to do. And
14 then if we have a site where the Board feels we need to
15 conduct some additional gas probe investigations, we can
16 use this contract to help us install those probes to make
17 sure that appropriate enforcement action is being taken.

18 BOARD MEMBER WASHINGTON: So we don't use the
19 California Highway Patrol -- or we don't have a contract?
20 I thought we approved something with the CHP or something.

21 BRANCH MANAGER WALKER: That's in the Tire
22 Program.

23 BOARD MEMBER WASHINGTON: That's my question.
24 It's only for the Tire Program?

25 BRANCH MANAGER WALKER: Correct.

1 BOARD MEMBER WASHINGTON: Okay.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you.

3 Mr. Paparian.

4 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

5 I'll move a adoption of Resolution 2004-166,
6 Revised, Consideration of the Contractor for Environmental
7 Services Contract for the Closed, Illegal, and Abandoned
8 Site Investigation Program.

9 BOARD MEMBER WASHINGTON: Second.

10 CHAIRPERSON MOULTON-PATTERSON: Motion by
11 Paparian, seconded by Washington to approve Resolution
12 2004-166 revised. Let's got ahead and call the roll.

13 SECRETARY WADDELL: Marin?

14 BOARD MEMBER MARIN: Aye.

15 SECRETARY WADDELL: Mule?

16 BOARD MEMBER MULE: Aye.

17 SECRETARY WADDELL: Paparian?

18 BOARD MEMBER PAPARIAN: Aye.

19 SECRETARY WADDELL: Peace?

20 BOARD MEMBER PEACE: Aye.

21 SECRETARY WADDELL: Washington?

22 BOARD MEMBER WASHINGTON: Aye.

23 SECRETARY WADDELL: Moulton-Patterson?

24 CHAIRPERSON MOULTON-PATTERSON: Aye.

25 That take us to Item Number 9.

1 DEPUTY DIRECTOR LEVENSON: Item Number 9, Scott
2 Walker will again be presenting this item. It is
3 Consideration of New Projects for the Solid Waste Disposal
4 and Codisposal Site Cleanup Program.

5 (Thereupon an overhead presentation was
6 presented as follows.)

7 BRANCH MANAGER WALKER: Scott Walker, Permitting
8 and Enforcement Division.

9 For the benefit of our new Board members, we'll
10 also provide some brief overview and introduction of the
11 Solid Waste Cleanup Program. We'd be happy to answer any
12 questions. And down the road we'll certainly be following
13 up on issues and working with Board members on this
14 program as we implement it.

15 Item 10 will separately consider the aggregate
16 recycling at the La Montonya site, because it's under this
17 program because of its complexity and controversy. I'd
18 like to thank Wes Mindermann, Brad Williams, and See Chuan
19 Lee for their work related to the item, in addition,
20 assistance from Steve Levine of the Board's Legal Office
21 and the Grants Administration Unit.

22 --o0o--

23 BRANCH MANAGER WALKER: The Solid Waste Cleanup
24 Program was established by AB 2136 Delaine Eastin 1993.
25 And this established a program to clean up solid waste

1 disposal and codisposal sites where the responsible party
2 either cannot be identified or is unable or unwilling to
3 perform timely cleanup to protect public health and safety
4 and the environment.

5 The program provides an important backup for
6 local government Solid Waste Enforcement Cleanup Emergency
7 Response Program. Projects and sites normally come to the
8 Board at the request of local agencies as a last resort,
9 after enforcement efforts against responsible parties, if
10 applicable, have been exhausted. Staff review all
11 sites -- candid sites for prioritization with respect to
12 public health and safety and the environment. If local
13 agencies do not have the capability or resources to clean
14 up sites on their own or through the grant or loan
15 options, Board managed projects are considered. All
16 projects and sites are reviewed by staff for compliance
17 and program requirements, and they're submitted to the
18 Board for approval.

19 Policies since inception of the program. There
20 were a number of policies that were reviewed and
21 essentially re-reviewed up to year 2000 and incorporated
22 in regulations in late 2000. We also have some policies
23 related to incorporating the program into the standardized
24 grant processes of the Board. And that was last year we
25 started that. And we've updated it for this coming year.

1 Clarifying legislation in 1999 facilitated
2 flexibility in the Solid Waste Trust Fund for the Board to
3 utilize. And also, in 2003, there was a bill that made a
4 statutory change to improve coordination on burn dump
5 sites, coordination with Department of Toxic Substances
6 Control.

7 --o0o--

8 BRANCH MANAGER WALKER: A couple of slides to
9 just summarize the program. I wanted to point out that
10 we've included in this graph the sites under consideration
11 today and also three grant projects on file that we
12 anticipate for consideration in July.

13 Note that the program has significantly increased
14 funding of cleanup projects and also leveraging the fund,
15 you'll note in the bottom portion of the graph, since the
16 Board re-evaluated program policies and direction in 1999
17 and when the regs became effective in the year 2000. So
18 we've had a lot more utilization programs and a lot more
19 leveraging of funds. All these areas are where the Board
20 wanted to see this program go. And we've by and large
21 been able to get there.

22 In addition, we've had some recent successes
23 whereby approval of projects has added weight to
24 enforcement actions. In other words, we've had approval
25 of projects where enforcement is ongoing and the threat of

1 the Board coming in and cleaning up the site has been
2 sufficient to compel certain parties that were reluctant
3 to do so to clean up the site. So they're utilizing that
4 as part of an enforcement strategy.

5 At the current rate, we would project, though,
6 that probably late or into 2005 we will very likely -- the
7 demand for funding will exceed the trust fund balance. So
8 we'll be in a situation where, you know, certain grant
9 applicants may have to wait until available funding comes
10 in.

11 --o0o--

12 BRANCH MANAGER WALKER: Going over the numbers
13 and types of sites cleaned up and in the process. This
14 graph shows of over 486 actual sites under the program,
15 approximately 400 we've completed clean up. About
16 90 percent are illegal disposal sites. And these sites
17 include a wide range of scenarios from the smaller
18 nuisance, the illegal dumping sites, to large polluted
19 dump sites of recent origin. The very large legacy open
20 community dumps, by and large those have been cleaned up.
21 And also sham recycling facilities like the Crippens and
22 La Montanas.

23 An additional 200 of the rural illegal dumping
24 sites have been cleaned up under the -- have been cleaned
25 up or are in the process of being cleaned up under the

1 Farm and Ranch Grant Program. Other sites cleaned up by
2 the program include landfills and burn dumps prioritized
3 for clean up from the over 1600 that we have listed on our
4 SWIS system. We do continue to identify new sites, but by
5 and large it's from the existing inventory.

6 Since 2001, the Board has directed staff to
7 pursue more grant funding assistance for urban illegal
8 disposal sites and also the urban storm water trash
9 problem, the trash accumulation sites. And I want to just
10 note in the blue line that since the Board directed us in
11 that area, we have seen a steady increase in cleanup
12 projects for that category.

13 --o0o--

14 BRANCH MANAGER WALKER: We track several
15 environmental protection indicators for the program. I
16 just want to run through this real quick. Again, 400
17 sites have been cleaned up.

18 Over 140 projects have been completed. Over
19 400,000 tons of solid waste has been removed and properly
20 disposed.

21 100,000 tons of solid waste has been recycled or
22 otherwise diverted from disposal.

23 500,000 tires have been removed and recycled or
24 properly disposed of under the program.

25 75,000 pounds of hazardous wastes have been

1 removed and properly disposed. And over 2,000 acres of
2 land, we've estimated, has been recovered for beneficial
3 use.

4 We do recycle. We try to recycle the waste that
5 we clean up to the extent practical. However, it's
6 important to keep in mind that a lot of these illegal
7 disposal sites that we clean up, the material is so
8 contaminated that we can't recycle. Like Crippen, there
9 was 100,000 tons that had to be disposed of. It was far
10 too contaminated to be recycled.

11 That completes a very brief overview. And before
12 we go to these sites, the two sites here. And then the
13 next item, I'd just like to ask if there are any questions
14 or -- certainly we'll have plenty of time down the road to
15 pursue some of these issues. But I thought I'd just check
16 in on that.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you,
18 Mr. Walker. That was a real good summary for all of us to
19 see how much has actually been done.

20 Mr. Washington.

21 BOARD MEMBER WASHINGTON: Scott, in terms of
22 funding for Item 10, is this the same funding that will
23 take care of Number 10 if we approve it?

24 BRANCH MANAGER WALKER: Item 9 -- Item 10 will
25 summarize the trust fund status and the funding. And Item

1 9 and Item 10 we have put together a recommendation
2 whereby all can be approved and funded under current --

3 BOARD MEMBER WASHINGTON: That's what I wanted to
4 know. Because when I added up the two that we approve and
5 when I heard it might cost to clean up the Huntington Park
6 item, it will fall a little short. So I was concerned as
7 to making sure we have enough resources to take care of
8 all of it.

9 BRANCH MANAGER WALKER: We have a recommendation
10 with respect to the transfer next year, which we believe
11 will accomplish what the Board could approve in these
12 items and then continuing to accommodate further projects
13 down the road. I think later in 2005 we may have a little
14 bit of a situation where we're a little bit over utilized.

15 BOARD MEMBER WASHINGTON: All right. Thank you.

16 BRANCH MANAGER WALKER: Item 9, we have two
17 projects. One is the Billingsley illegal disposal site in
18 Los Angeles County. It's in Antelope Valley. A
19 Board-managed project as requested by the Los Angeles
20 County LEA. The estimated cost is 110,000. It's a
21 private property. And cost recovery would be recommended
22 in the form of a lien pursuant to the Board's cost
23 recovery policy. And it's Priority A2 with respect to
24 public health and safety and the environment, which is
25 confirm pollution or nuisance with residences or other

1 sensitive receptors within a mile of the location.

2 The second project is the Los Angeles River Trash
3 Exclusion Project, which is, again, Los Angeles County. A
4 matching grant requested for funding, \$750,000. The
5 applicant is L.A. County Department of Public Works
6 working with the flood district. It's on public right of
7 way. Therefore, cost recovery would not be applicable.
8 And it is a Priority A1 site with sensitive receptors
9 within 1,000 feet of the site.

10 CHAIRPERSON MOULTON-PATTERSON: Scott, can I just
11 interrupt you just a moment? I know this is a matching
12 fund, and I'm certainly supportive of it. This is our
13 second one, isn't it? How is this different -- didn't we
14 put in some equipment in the L.A. River? I can't
15 remember. I know I was out there.

16 BRANCH MANAGER WALKER: The Board had a previous
17 project approved in November of 2000 which addressed two
18 specific high priority out faults right in downtown L.A.
19 That project was completed. This project, I'll talk a
20 little bit more about it. It's going up broader in the
21 basin and taking on some additional outfalls.

22 CHAIRPERSON MOULTON-PATTERSON: It's certainly
23 needed. Thank you.

24 --o0o--

25 BRANCH MANAGER WALKER: The Billingsley illegal

1 disposal site, this is a good characteristic site of the
2 problem of illegal dumping, in the semi-rural fringe areas
3 adjacent to the rapidly growing areas in Southern
4 California. A lot of the Inland Empire is experiencing
5 this problem. This is in Antelope Valley which has been
6 dealing with this problem for quite some time.
7 Approximately 1500 cubic yards of solid waste has been
8 dumped by many individuals.

9 CHAIRPERSON MOULTON-PATTERSON: Ms. Peace has a
10 question.

11 BOARD MEMBER PEACE: I was just going to ask, it
12 does say in here you're going to put a lien on the
13 property. And I'm just curious how much you thought the
14 property was worth.

15 BRANCH MANAGER WALKER: This property, I believe,
16 my understanding, is worth at the current time
17 significantly less than what the cleanup cost would be.
18 Down the road with the encroaching development, there may
19 be some potential for the value of the property if it was
20 clean. And this site has about 1500 cubic yards of solid
21 waste. There's many different dumping locations here.
22 You cannot identify the individual dumpers responsible.

23 It was recently brought to the attention of the
24 LEA by nearby residents, but there is evidence not only of
25 recent dumping but some longer-term dumping in the past.

1 This is also a good site where -- or bad site
2 where you encounter methamphetamine drug lab waste. The
3 solid waste portion, there's a lot of containers of the
4 different precursor chemicals.

5 Board staff, LEA staff, and our contractors must
6 be properly trained in the identification and proper
7 response if the hazardous materials are detected.
8 Fortunately, we have not detected that at this site. But
9 it does bring up a very big threat issue with these types
10 of sites.

11 And again the private parcel owner is an absentee
12 land owner. Many of these owners bought these properties
13 in Antelope on speculation, and there's no utilities, et
14 cetera. And they're absentee, and they're basically
15 nonresponsive to Notice and Order issued with respect to
16 site by the LEA.

17 --o0o--

18 BRANCH MANAGER WALKER: This project, the Board's
19 contractor would remove and properly dispose and recycle
20 waste encountered and also construct barriers to prevent
21 dumping from occurring. The L.A. County LEA would provide
22 additional signage, follow-up, prevention, surveillance,
23 for enforcement activities.

24 This is a typical site where we're asked to get
25 involved, where it's too big for the locals to handle it

1 under their current grants and some of the small projects
2 that they do. And we've cleaned up four other sites in
3 the Antelope Valley over the past five years. This LEA,
4 though, cleans up a lot of sites with grant funds like
5 Farm and Ranch. They have some other funding sources that
6 they use.

7 In addition, we find that this LEA does an
8 excellent job in illegal dumping prevention, cleanup,
9 surveillance, and enforcement activities. And in
10 particular, Chris Mastro, the LEA, is one of our true
11 believers in illegal dumping situation. And he's part of
12 the Antelope Valley Illegal Dumping Task Force. And we
13 recommend their program to other jurisdictions as a good
14 example in responding to this issue.

15 --o0o--

16 BRANCH MANAGER WALKER: The L.A. River --
17 Los Angeles River and other urban streams in Southern
18 California are significantly impaired by trash and other
19 pollutants from urban runoff. And the trash and solid
20 waste from the urban runoff drainage area essentially
21 concentrates at the storm drain outfalls in the L.A.
22 River. This waste spreads downtown to impact downstream
23 beaches, wetlands, and other public contact areas, in
24 addition to adding plastics and other debris that impacts
25 ocean biota.

1 L.A. County and local jurisdictions have
2 significant funding and technical challenges to address
3 this problem. And Waste Board staff have been working
4 with the Water Board quite a bit on this to try to provide
5 assistance and facilitate cleanup of these situations.
6 There's been six similar projects, not just the L.A.
7 River, by Ballona Creek, and Orange County sites where the
8 Board has approved similar type projects. So the Board
9 has been integral in assisting in this issue.

10 --o0o--

11 BRANCH MANAGER WALKER: This project would
12 include the proactive approach by the county which will
13 install approximately 1100 catch basin inserts along the
14 curves upstream of the highest priority trash storm drain
15 outfall sites in areas outside of where the original
16 project in 2001 was. These catch basin inserts basically
17 prevent the trash from going into the catch basin in the
18 gutter, so the street sweepers can maintain this and clean
19 it up and prevent it from bypassing and going into the
20 river. This method is an approved best management
21 practice and has been shown to be effective in removing
22 trash and other solid waste. And the county would be
23 responsible for all maintenance and monitoring,
24 permitting, construction oversight, and the Board cost
25 would apply only to a specific portion of the construction

1 costs.

2 --o0o--

3 BRANCH MANAGER WALKER: So to conclude, staff
4 have presented a brief overview of the program. And we've
5 determined that the proposed projects meet all applicable
6 program criteria and requirements and recommend the Board
7 adopt Resolution 2004-168 to approve the proposed
8 projects.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you,
10 Mr. Walker.

11 Any questions?

12 Mr. Washington, would you like to move this item?

13 BOARD MEMBER WASHINGTON: Sure, Madam Chair. I'd
14 like to move adoption of Resolution 2004-168.

15 BOARD MEMBER PAPARIAN: Second.

16 CHAIRPERSON MOULTON-PATTERSON: Motion by Mr.
17 Washington, seconded by Mr. Paparian to approve Resolution
18 2004-168.

19 We'll substitute the previous roll call without
20 objection.

21 And we're going to be going into Item 10 first,
22 but I think I want to orally ex parte as a group, you
23 know, for the entire Board the nine letters we received
24 from students. And we couldn't do it, because we didn't
25 have all their addresses. So we want to just orally on

1 the record ex parte them. And we can give you copies of
2 those. I guess that's the best way. It was a group of
3 students.

4 Is that enough, Marie?

5 CHIEF COUNSEL CARTER: Yes, it is, Madam Chair.

6 CHAIRPERSON MOULTON-PATTERSON: And before we go
7 into the La Montana, the Number 10 item, I just want to
8 say this has been a long time coming. Two years ago, I
9 was invited to take the Los Angeles Toxics Tour that was
10 put on jointly by the Office of Planning and Research and
11 the Governor's Office, CalEPA, and the Communities for
12 Better Environment. I was so impressed by that tour that
13 it's affected a lot of my votes here.

14 And the first stop we made was at a street of
15 houses, and in front of these houses was a mountain of
16 rubble. And I truly mean mountain. I was appalled when I
17 saw it. At this point I decided this is something that
18 the Board -- if no one else can take responsibility for
19 it, the Board should. And I know there is a lot of
20 political history. I don't know all of it. And a lot of
21 finger pointing, but I'm so glad that we can at least -- I
22 hope, if this item is approved, we can begin to clean this
23 up, because the residents out there -- this was
24 unbelievable, and so I'm so glad. It's taken a long time
25 coming, and I know I've been a pain. But I'm really glad

1 to see that it's come to this point.

2 So thank you, Mr. Levenson. I know you've worked
3 very hard on it.

4 BOARD MEMBER WASHINGTON: Madam Chair.

5 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.
6 I didn't see your light.

7 BOARD MEMBER WASHINGTON: Madam Chair, let me
8 echo your thoughts on this. Before I -- this was an issue
9 at least eleven years ago when we had the Northridge
10 earthquake. And it was a political move. It was
11 motivated by politics that the rubble from the Northridge
12 earthquake would be placed somewhere. And, unfortunately,
13 they chose to city of Huntington Park to place all this
14 trash.

15 I was on the Board of Supervisors for the L.A.
16 County at the time. I was a Deputy Supervisor to Yvonne
17 Brathwaite Burke. It became a big issue. It became a
18 political issue. There was a great debate about this
19 issue. And I, too, am finally glad to see that we can
20 bring some closure. I'm very optimistic we'll move this
21 item out today to get this stuff taken care of.

22 So I want to thank you, Madam Chair, as well as
23 the Board staff and all those who have worked on this
24 issue to help us alleviate this problem from the
25 residents, the children. I had an opportunity -- and I'm

1 sure Mr. Paparian will mention it. We got a tour, and I
2 kind of talked a little bit about the history of this just
3 from my participation in this at the county level.

4 This is a great day for the city of Huntington
5 Park and those residents to see this trash, this pile of
6 rocks and dirt being moved from their communities. And
7 I'll tell this and then I'll be quiet. I was talking to a
8 lady who lives in the apartments, who this stuff sits
9 right in front of her house. She said, "I went into my
10 house one night. The next morning I came out and there is
11 this stuff in front of me." And she began to cry, which
12 literally breaks your heart to see somebody treat somebody
13 like that for absolutely no reason at all.

14 So I'm extremely glad to see this is finally
15 coming to some closure to help those folks to bring this
16 issue to a close. The kids are certainly getting sick.
17 All that stuff flying, and the school is right around the
18 corner. And down in our areas, the schools aren't schools
19 where you have 200 kids. You're talking about 1,500,
20 1,600 kids in an elementary school. It's a lot kids being
21 affected by this trash just sitting in front of them. And
22 that's what I'm going to call it, it's garbage that's
23 sitting in front of these people's homes like this.

24 And so I'm glad, Madam Chair, that we can
25 hopefully finally bring some closure to this. And again,

1 dittos and kudos to the staff and all those who have
2 worked to get this agenda item to us today so we can
3 finally help the citizens in Huntington Park.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you. And I
5 know this is near and dear to your heart, Ms. Marin. And
6 I'd like to give you the floor.

7 BOARD MEMBER MARIN: Thank you, Madam Chair.

8 And I know that after the staff makes all of the
9 presentations, and I know that there are people here that
10 would like to speak, I would like to very much ask that
11 you all would give me the honor of making this motion.

12 CHAIRPERSON MOULTON-PATTERSON: Absolutely.

13 BOARD MEMBER MARIN: I just want to tell you,
14 Madam Chair, that I'm very grateful to this Board and for
15 all the work. I know it's been years. This mountain was
16 there before I was even elected to the City Council back
17 in 1994. And it's very, very emotional because I know
18 many people have suffered as a result of that. And I know
19 there were divisions in our community, and I know it
20 became a political situation.

21 But, you know, government works, in spite of all
22 of it. With due time, the community is vindicated. And
23 I'm just grateful and honored that I would be here today
24 precisely to see that the good work of government
25 eventually vindicates an entire community.

1 And I'm grateful to the staff that I know has
2 worked on this for years. And I know that some of my
3 staff from Huntington Park is here. And I know we've
4 worked very, very hard. And it's been long and coming.
5 But it's amazing that finally -- and I'm just praying.
6 Let me tell you, we have worked so hard. And every year,
7 we hoped that this was going to be the end. And we had
8 vigils and we've had celebrations. And courts get in the
9 way. But absent any further legal challenges, I would be
10 enormously grateful to this Board for doing justice to our
11 community and bringing that justice.

12 And when we talk about environmental justice, I
13 can think of no other entity in California that has
14 suffered so much from this injustice. And I will
15 hopefully -- I won't speak anymore, because this is truly,
16 truly emotional. And I'm just grateful.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you very
18 much.

19 And I'll now turn it to Mr. Levenson for the
20 staff report, and then we'll go to the community. We have
21 speakers, and we're glad to hear from you.

22 DEPUTY DIRECTOR LEVENSON: Thank you very much,
23 Madam Chair. As you said, this is Item 10. It has a long
24 title. This is about Aggregate Recycling Systems, or La
25 Montana, and augmentation of one of our existing contracts

1 to make sure that we have sufficient funding.

2 And Scott will be explaining that and the
3 complexities at this site. It has, indeed, been a long
4 time coming. There's been a lot of pieces that had to
5 fall into place with respect to our C&D regulations and
6 various enforcement actions and legal actions. And we're
7 finally getting to the point where we can talk about doing
8 something now and cleaning this up.

9 I do want to acknowledge particularly Scott
10 Walker and Wes Mindermann and Steve Levine. There's
11 probably some others on staff that really have worked
12 hard. Scott's hair is a little grayer as a result of
13 this. He's really put a lot of effort into bringing this
14 to this point.

15 We're still at a point where there's a lot of
16 uncertainties in terms of legal actions and what the exact
17 nature of the debris is on the site and how much there is
18 there and how we can get it cleaned up with the fewest
19 impacts to the community.

20 So Scott is going to go through a lot of those
21 complexities, talk about the legal situation, where it
22 stands, the funding situation, which he mentioned in the
23 last item. And it will be, I think, very eye opening to
24 all.

25 And, of course, we have the community. And I do

1 want to acknowledge we've had a great cooperative
2 relationship with the LEA, with the city in trying to work
3 this out and have had a lot of exchanges most recently
4 with the community through Communities for a Better
5 Environment. And I think we're all on the same page. Now
6 it's just trying to work the details out.

7 So with that, I'll turn it over to Scott.

8 CHAIRPERSON MOULTON-PATTERSON: Great. Thank
9 you.

10 Mr. Walker.

11 (Thereupon an overhead presentation was
12 presented as follows.)

13 BRANCH MANAGER WALKER: Scott Walker, Permitting
14 and Enforcement Division. I'll try to make this as brief
15 as possible and run through the highlights and then
16 conclude with going over the contract situation, the fund
17 situation, in the order that we've devised in order to
18 make this work.

19 But essentially to summarize, the La Montana is
20 located at 6208 South Alameda Street, city of Huntington
21 Park. It's 5.5 acres between the Alameda Corridor
22 railroad and residential neighborhood along Cottage
23 Street. The community demographics that are there is a
24 very high percentage of minority and low incomes
25 residences.

1 I wanted to mention the updated survey. There
2 was some initial estimates of 500,00 cubic yards. We've
3 done an aerial photogrammatic survey. There's quite a bit
4 more. There's 84,000 cubic yards. It is what is termed
5 under the C&D regs as Type A inert debris, primarily
6 concrete soil. It is up to 35 feet high, and about 40
7 percent of it is processed to a recycled aggregate base.
8 I'll show a couple slides of this following. It's a
9 Priority A1 site. The highest priority based on the
10 confirmed nuisance pollution situation, especially from
11 the dust, potential contaminant concerns, and the visual
12 impacts.

13 --o0o--

14 BRANCH MANAGER WALKER: This is a shot -- a
15 recent photo showing the close proximity of the
16 unprocessed pile to the residential areas. This is
17 looking southwest from Cottage and Randolph Streets.
18 Really not much has changed since the '90s -- we have some
19 photos -- other than some weeds and grass on top.

20 We wanted to point out this is a very unique
21 case. And we're certainly not anticipating or expecting
22 or would be in a position to recommend cleaning up of
23 debris piles throughout the state. This is very unique
24 because of the fact that it's in a residential area. It's
25 really inappropriately sited, and it was huge, at one

1 point. Still is very, very large.

2 --o0o--

3 BRANCH MANAGER WALKER: This is from the other
4 side showing a fresh face of the unprocessed pile. And I
5 want to just point out the fines in this material. So
6 when you have a Santa Ana wind condition, there's a
7 tremendous amount of dust that continues to be generated
8 from this site.

9 --o0o--

10 BRANCH MANAGER WALKER: On the other side of the
11 property, this is the entrance along Alameda Street. And
12 that's mountain there, that pile, is processed material.
13 And, again, there's still quite a bit of quantity of this
14 material left on the site.

15 A closer shot of the material, it's been screened
16 and crushed for use as a construction aggregate base and
17 sub-base. And some of the materials were moved out, but
18 there's still a substantial amount left on the site.

19 --o0o--

20 BRANCH MANAGER WALKER: And as mentioned before,
21 La Montana has a very long complicated grueling chronology
22 of activities and enforcement and legal actions. And not
23 to, you know, spend too much time on it. It's so
24 complicated. I just wanted to highlight a couple of
25 points, that in '93 there was a conditional use permit for

1 a small scale recycling operation on concrete and asphalt
2 recycling.

3 And, again, the Northridge quake in '94 occurred,
4 and a tremendous amount of debris was localized on the
5 site. And there's estimates of up to 4- or 500,000
6 thousand cubic yards, 65 feet high. Just a huge
7 accumulation of debris at the site. And very shortly
8 thereafter, there was tremendous impacts to the public;
9 health complaints, dust issues, erosion.

10 The city was faced with the situation and
11 instigated enforcement actions against the operator, and
12 operation were ceased in March of '97. There was a
13 tremendous number of legal actions. And, eventually, this
14 company called Aggregate Recycling Systems filed for
15 bankruptcy. Then it shifted to the property owner. And
16 in January '01, there was a stipulated judgment that
17 reflected a cleanup agreement between the city and the
18 property owner. Unfortunately, the deadline of April '03
19 requiring cleanup was a failure to comply.

20 The Board was faced with -- we've done a lot of
21 work in those years to try to help. We've done quite a
22 bit of what we can. But the fact is we didn't really
23 establish clear authority to regulate this operation until
24 the C&D regulations were effective in August of '03, the
25 Phase 1 regulations, which has storage, processing, and

1 also permitting requirements for inert debris facilities.

2 So we shifted in with the LEA to start to really
3 strategize on the situation. And we had been out there in
4 October, and there was actually quite a bit of material
5 that was moving off the site by the owner. And so we were
6 cautiously optimistic.

7 However, there's basically been no significant
8 progress since late '03. And, therefore, under the C&D
9 regs, we requested the LEA to make certain findings and
10 then go through the process of enforcement and then set
11 this thing up for cleanup, if it got to that point.

12 The LEA issued a Notice and Order in April of '04
13 as a result of that. And we've been working since that
14 time with the city on strategizing enforcement and legal
15 actions.

16 --o0o--

17 BRANCH MANAGER WALKER: This is a status of where
18 we are right now. The LEA Notice and Order essentially
19 has a compliance date of June 20th. And it informs the
20 owner that this may -- failure to comply may result in the
21 Board expending funds for cleanup of the site and cost
22 recovery. The cleanup of processed material by the Board
23 would be conditional on a court order in accordance with a
24 stipulated judgment.

25 The strategy is to work with the city on their

1 ongoing activity to go back to court on the stipulated
2 judgment. So this strategy we've worked on essentially to
3 coordinate our activities of enforcement.

4 There is a court date set July 13th with the
5 City and the property owner on that stipulated judgment
6 that we're hopeful will establish the full access
7 authority and authority for removal of all of the
8 material, including processed.

9 And I'd just like to point out that the cleanup
10 option in this item is conditional on failure to comply
11 with the Notice and Order and the additional access and
12 cleanup authority. And in addition, cost recovery would
13 apply.

14 I'd like to point out in a lot of these cases
15 there's always a little maneuvering going on in the last
16 minute, and to let you know the owner has submitted a
17 letter to the LEA saying they're going to put a crusher on
18 the site and they have contracts, et cetera. And I think,
19 based on past performance, there's certainly a lot of
20 skepticism on that. But, again, the 13th of July, we will
21 hopefully have this resolved with the court, and we're
22 hopeful on that.

23 I'd like to also point out that we have done a
24 lot of activity in the marketing and working with the
25 Markets Division to try to facilitate when owner had the

1 stipulated judgment. And there were some various -- like
2 the Alameda corridor projects and various port projects.
3 And, unfortunately, those fell through. They were good
4 options to take this material to, but for whatever reason,
5 the owner and operator failed to make those happen.

6 --o0o--

7 BRANCH MANAGER WALKER: I want to touch on
8 community involvement and concerns. There's been two
9 public meetings related to this item, on June 7th with the
10 City Council and June 10th with the Communities for Better
11 Environment and the public. We're prepared to conduct
12 additional public meetings coordinated by the city and/or
13 CBE, if requested. We anticipate that we would likely be
14 doing that with their guidance.

15 Any Board managed cleanup would be limited by
16 existing requirements of the current removal plan approved
17 under the court order. However, in the recommended
18 cleanup option, we would go beyond that in terms of being
19 more stringent, in terms of controls and reduction of
20 impacts associated with that removal plan. And we'll
21 mention that as we talk about that Option 1. And based on
22 that, a Notice of Exemption would be filed by the Board
23 staff. Because of the current removal plan, we take that
24 and basically implement it and do it better.

25 Also I'd like to point out additional concerns

1 and recommendations that the community has been working
2 with CBE and the community. And we feel pretty confident
3 and comfortable that various dust and transportation
4 impacts of a removal plan can be addressed well beyond the
5 current removal plan and reflected in the encroachment
6 permit. So that deals with a number of issues, and we
7 feel confident on that.

8 DEPUTY DIRECTOR LEVENSON: I would just like to
9 add that the Community for a Better Environment has
10 written about the Notice of Exemption, and they are
11 comfortable with us proceeding under that provision, given
12 this is for the cleanup. So they are in support of that.

13 CHAIRPERSON MOULTON-PATTERSON: Did you have a
14 question, Mr. Washington?

15 BOARD MEMBER WASHINGTON: Did any staff go to the
16 City Council? I know the Mayor's here. Did any of our
17 staff go to the June 7th Council meeting?

18 BRANCH MANAGER WALKER: We didn't go, but we do
19 have staff from the city here who could report back on
20 that.

21 DEPUTY DIRECTOR LEVENSON: We also have some
22 video clips from one of those meetings, but they won't be
23 available until after 4:00 today.

24 BRANCH MANAGER WALKER: We've developed some
25 cleanup alternatives, and essentially the recommended

1 Option 1 is for the Board to approve a Board managed
2 cleanup project with cost recovery and contract
3 augmentation to remove all processed and unprocessed
4 material, again, subject to additional authority.

5 The material would be hauled to an inert
6 recycling facility to the extent practical if we need to
7 dispose, or other options, then we would -- our contractor
8 would arrange for that. But the important point is there
9 would not be any on-site processing. That's one thing the
10 community has been very, very -- they really don't want
11 any on-site processing. And this option would accomplish
12 that.

13 There's preliminary cost estimates on this
14 option. And you'll see they range quite wide, 1.6 million
15 to 4.8 million. And essentially the reason why is we just
16 make some really rough assumptions, because we haven't had
17 a chance to go out there with our contractor. We do know
18 the quantity, the type of material. If you take it to
19 Puente Hills, that's the high-end, worst case. Very
20 unlikely it will go that high.

21 But, again, we would refine the estimate based
22 on -- it says a quantity survey. And we've done that,
23 completed that. But we bring our contractor out. The
24 contractor will bid out to get competition amongst the
25 various facilities in the area. There's like 24 potential

1 facilities to take this material to that we have options.
2 So we're hopeful that the cost will be significantly less
3 than the high end.

4 --o0o--

5 BRANCH MANAGER WALKER: Preliminary project time
6 lines. Again, June 21st, we verify the Notice and Order
7 failure to comply and file NOE. We've scheduled the
8 contractor walk-through, actually, next Thursday, the
9 24th. We're hopeful to have the price quotes in, cost
10 estimates refined by July 12th. The court date is
11 July 13th. The NOE period is complete on the 26th. And
12 then depending upon the court action, we would be prepared
13 to start the contractor mobilization.

14 Now, the completion of the project is still a
15 little bit uncertain, because we'll need to know where
16 we're going to take the material to find out exactly how
17 many trucks we can get out and also meet with the
18 community. But based on the Crippen job that we had, you
19 know, we can get 100 trucks out a day, which was not
20 unreasonable, you know, it's like 42 days. And with some
21 extra time, we're still projecting the end of October
22 we're looking to get it done. But, again, that's subject
23 to some further refinement as the project gets developed.

24 --o0o--

25 BRANCH MANAGER WALKER: I wouldn't go through

1 this other options too much, other than if the Board would
2 like to. But we have analyzed five other options. For a
3 number of various reasons, we're not recommending those
4 options. And so we're prepared to discuss those if the
5 Board requests that.

6 --o0o--

7 BRANCH MANAGER WALKER: Now to switch to the
8 trust fund and the contract status, how we're able to put
9 this together to make it work. This gives you a status of
10 the cleanup contracts we have.

11 The first contract we have pretty well covered
12 under existing projects. We have room to augment that
13 contract. But right now that contract is pretty well
14 covered.

15 The second contract, we have the initial
16 allocation of \$15 million in there, and we have two
17 projects that haven't started yet that we could -- or
18 can't start until late in the fall anyway, and one of
19 them, the Sonoma site, we might be able to delay even
20 further.

21 So we would recommend the augmentation of this
22 item of that Diani contract of \$1 million, so we would
23 have \$2.5 million to start the cleanup. And, again, we
24 expect that we would come back to the Board upon the
25 budget approval to transfer additional funds and augment

1 the contracts further from that appropriation, which in
2 the Governor's budget, they proposed \$5 million, which was
3 a net of about \$4.7 million that's available for the
4 projects.

5 We also have an additional \$2.77 million
6 available for new grants, loans, contracts, and
7 augmentations. And we have room there for the Board to
8 consider three grant applications in July. So based on
9 that, we feel pretty confident that we can make this
10 project work, even at the high end. Again, we're hopeful
11 that the cost will be significantly lower, and we'll find
12 more information out in early July on that.

13 --o0o--

14 DEPUTY DIRECTOR LEVENSON: I do want to point out
15 when Scott was referring to in the earlier item when he
16 talked about later in 2005 we may come up against a time
17 line with the time when there are insufficient funds.
18 That's, I think, shown in that slide. We have enough to
19 do this project and the things that we anticipate in the
20 first half or so of next year. But depending on the
21 ultimate level of this project, we may be running out of
22 funding later in the Fiscal Year 04-05.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you.

24 BRANCH MANAGER WALKER: I think to conclude, the
25 proposed Board-managed project Option 1 meets the

1 applicable Solid Waste Cleanup Program criteria and
2 requirements.

3 And staff recommend the Board approve Option 1,
4 Resolution 2004-169 for cleanup of the La Montana site,
5 and Resolution 2004-186 to augment Cleanup Contract
6 IWM-03015-B. And that would conclude staff's
7 presentation.

8 I know we have the Mayor of the city of
9 Huntington Park and also the Community Services Director
10 here. And I'd like to just hand back to the Board for
11 questions and --

12 CHAIRPERSON MOULTON-PATTERSON: Fine. I have
13 some lights.

14 Do you want to speak before the public? Okay.

15 Ms. Peace.

16 BOARD MEMBER PEACE: Do we know what the site can
17 be or will be used for after the cleanup?

18 BRANCH MANAGER WALKER: There has been some --
19 it's my understanding that there's some interest in
20 potentially converting the site to a public use. There's
21 some talk about potentially a school or a park. And
22 beyond that, other than, obviously, that will require
23 removal of the rubble pile, we don't know any more
24 information.

25 I know that we've been asked about the cost

1 recovery and whether that would prevent that. And
2 basically, you know, there is the potential to negotiate
3 resolution of that in order to make something like that
4 work, if the cost recovery waiver conditions can be met.
5 In other words, the owner not be enriched and the site
6 converted to a public use. So there is some discussion.
7 But, again, our understanding is it's far on down the
8 road. And right now it would remain essentially an
9 industrial zoned lot.

10 BOARD MEMBER PEACE: It still will be zoned as a
11 C&D to have --

12 BRANCH MANAGER WALKER: The site is not
13 authorized for any ongoing operations of a facility.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you.
15 Mr. Paparian.

16 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

17 My questions were along the same lines. And I'm
18 going to ask the witnesses about that, too.

19 Do you have a sense of how much the value of the
20 property is cleaned up?

21 BRANCH MANAGER WALKER: I don't have a sense at
22 the present time what that is.

23 BOARD MEMBER PAPARIAN: Do you have a sense
24 that --

25 BRANCH MANAGER WALKER: I can say it's probably

1 significantly less than what the cost of clean up will be.

2 BOARD MEMBER PAPARIAN: There's some likelihood
3 we may wind up getting title to the property.

4 One of the things we might explore -- and I think
5 that's one of the things I'd like to hear from the
6 community -- is that if the community desires some sort of
7 use, schools, park, whatever it might be, if there's
8 anything we can do to help facilitate that, which might be
9 going to some of our sister state agencies and seeing if
10 they could dip into their urban park funds or school
11 development funds or other funds to help deal with some of
12 our legal issues, with cost recovery, you know, might be
13 something we ought to do.

14 But I'd love to hear from the Mayor and others,
15 if they have some ideas about what they would like to have
16 happen with the site and if there's anything we can do to
17 help facilitate that.

18 CHAIRPERSON MOULTON-PATTERSON: Thanks, Mike. We
19 do have speakers.

20 I'd like to start with Mayor Juan Noguez. And I
21 just appreciate you, so much, sitting through our meeting
22 very patiently.

23 MAYOR NOGUEZ: I'm very thrilled to be here. And
24 I thank you so much, Chairwoman.

25 This my first experience in Sacramento. And I

1 can't believe how many people turned out to see me speak.
2 It's wonderful. I thank you so much. I never realized it
3 would be like this.

4 My normal position is with the Los Angeles County
5 Assessor's Office. I'm your friendly appraiser for the
6 downtown Los Angeles area. I've been very busy closing
7 the assessment roll so we can bring the money up to
8 Sacramento through the tax system, so that you can once
9 again redivert it.

10 And it's the true privilege to be here in front
11 of the Board. And I thank you so much for having me speak
12 today before you on this topic.

13 I guess we're here trying to become 401. I hear
14 from Mr. Walker you've had 400 cleanup jobs. We would
15 like to be your 401 plan in the city of Huntington Park.

16 We think it's something that's been a long time
17 coming, over ten years. Had it not been for mother
18 nature, we would not be here. But we had no idea
19 Northridge would do this to any of us. In an attempt to
20 once again get the state of California mobilized, we
21 thought we were doing something that would be interim.
22 And ten years later, we're still trying to take care of
23 that interim. The freeway's up and running, but
24 Huntington Park still has this mountain.

25 And the mountain has made progress. And thanks

1 to you, five years ago you started with an initiation
2 process, a survey, and we were able to make great strides.
3 That 80-foot mountain has now been reduced to 45 feet.
4 However, it's still a complete eyesore and nuisance to the
5 citizens of Huntington Park, especially those on the west
6 side. It borders the territories of Vernon and the
7 eastern part of Los Angeles, the southeastern part of
8 Los Angeles. And I know that they echo our concerns in
9 terms of the pollution, the dust, and the negative that
10 this has provided to the community.

11 We are here basically asking for your support,
12 your final support. We need this. We would love this to
13 be a community park. We need park land area in the city
14 of Huntington Park. And this would be an addition to that
15 area that we already have in the western territories and
16 possibly a merger with the Los Angeles Unified School
17 District and incorporating this into a park-like setting
18 for the community, which is something that would be
19 totally different from the last ten years that the
20 community has seen. And with your assistance, we're going
21 to be able to do that.

22 Just the brief history, I'm sure most of you --
23 and I thank the three of you that have visited. Those
24 three that have not visited would like to come to
25 Huntington Park -- not just for La Montana. We have

1 excellent Mexican food and Thai food. We'd love to have
2 you. I open the invitation to you to come see the
3 negative we have in the city of Huntington Park. But I'll
4 show you the positive, because my community deserves the
5 best of both worlds. So removing this negative, we will
6 make it a positive with a park and having the L.A. Unified
7 School District come on board, if they chose this as their
8 high school site, would be that much more beneficial.

9 As I previously indicated, you've been involved
10 since April 1st of 1999, and probably before, because the
11 Council members at that time came and probably engaged the
12 then-Board members to come and assist us on something that
13 we were not able to do by ourselves and had to call upon
14 higher authorities to come and help us.

15 Well, we're there again. And this is the last
16 plea. And I'd get on my knees, but I'm not that tall,
17 because the podium would cover me. We're truly in a dyer
18 straight situation, where we just can't possibly continue
19 without some assistance from a higher authority.

20 I've brought -- well, the city has provided two
21 great sources, not only Community for a Better
22 Environment, but also our community development director.
23 I don't know what we call you nowadays. I know we just
24 promoted you. But Mr. Gray is here with us. I'd like for
25 them to also say a little bit.

1 But, basically, we need your assistance in
2 providing a managed cleanup of the ARS site, once and for
3 all. This is why we're here. And I'm thankful for the
4 time that you've allotted me and for all the people that
5 showed up for me. Thank you.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you.

7 And we'll hear from Henry Gray and then Jorge
8 Villanueva.

9 MR. GRAY: Thank you, Madam Chair, members of the
10 Board. It's a pleasure to be here today.

11 I'm looking forward to this process continuing.
12 And I know that sounds ironic to say after so many years,
13 but I'm as optimistic now as I have ever been. It's an
14 amazing year. This year we had the 17 year cicadas. We
15 had the transit of Venus. And now we're going to have the
16 cleanup of the mountain.

17 I'd just like to thank the Board for taking care
18 of this, working with us. We do have some legal
19 challenges ahead. We're prepared to meet those, and we
20 think we'll win. And I'll be happy to answer any
21 questions.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you. We
23 don't have any at this time. But thank you for being
24 here. We might call you back up.

25 Jorge Villanueva, Communities for a Better

1 Environment.

2 MR. VILLANUEVA: Good afternoon. My name is
3 Jorge Villanueva. I'm with Communities for a Better
4 Environment. And CBE is a 25-year-old environmental
5 health injustice organization. We believe that everyone,
6 regardless of race or class, has a right to clean air, to
7 clean water, and to clean land, and to quality resources
8 in their community.

9 And we really want to thank the California
10 Integrated Waste Management and staff for taking
11 tremendous action and moving this process forward. We
12 really want to work with you, and we do have some
13 recommendations that we've gathered from community people
14 at our different community events we've held in the last
15 week or so.

16 And residents definitely do not want crushing on
17 site. When the facility was operating, dust was a big
18 problem. And the crushing created a lot of health
19 hazards. There's a lot of community members that have
20 suffered from asthma and suffered from nose bleeds, we
21 believe directly linked to La Montana.

22 I, myself, have asthma and developed asthma when
23 I was seven years old. And for me, that changed my life.
24 It changed the way I was -- my childhood, and it changed
25 what I could do as a kid. I wasn't able to play and

1 participate in sports. There was times when I had to be
2 indoors. And I spent a lot of my childhood on a lot of
3 medication and at the doctor's office. So I really want
4 to urge you not to do any crushing on site.

5 And because of La Montana being in Huntington
6 Park now, community people are aware of the environmental
7 issues now. We've become aware of what's going on in the
8 environment and how that impacts people and how it impacts
9 our health. We definitely don't want the La Montana to go
10 into someone else's community and to pollute that
11 community.

12 We would prefer and would recommend and urge
13 environmentally-safe measures be taken when handling La
14 Montana. If it's going to get processed, if it could be
15 done far away from any communities that could be impacted.
16 We don't want any people harmed in the crushing process if
17 it's going to get crushed and recycled.

18 And we definitely would prefer for it not to go
19 into a landfill. Most landfills are located in indigenous
20 land or close to communities of color. So we'd prefer
21 for -- if it is going to be recycled, for it to be done in
22 a site not close to any community that would be impacted
23 and for it to be done in a manner that's safe.

24 And we definitely want to make sure there's
25 enough funds to clean it up. The community has waited for

1 many, many years for it to be cleaned up. And it's not
2 until Integrated Waste Management and the staff and the
3 city of Huntington Park have been pushing to get it
4 cleaned up and that's going to happen. We want to make
5 sure that two-thirds of the way into the process, you
6 know, we have to stop because, you know, the funding isn't
7 there.

8 But we also do want to make sure that the
9 community is aware of what's going on and how the process
10 is moving forward. People are very interested in this,
11 and it's very important to people. People have been
12 seeing this concrete pile for over ten years in front of
13 their homes. On their way to school, kids see it. On
14 their way home from work, parents see it. When they're
15 playing in the park down the street, people see the
16 concrete mountain. When you're driving down Alameda, you
17 can see it. When you're driving down Randolph, you can
18 see it. It's very hard to avoid not seeing the concrete
19 mountain and not feeling the affects of having this pile
20 of concrete in the community.

21 We really want to work with you, and we really
22 want to be kept up to date with what's happening. So if
23 there's any way that community members can have some type
24 of mechanism so that their voice can be heard, we would
25 really appreciate that. Thank you very much.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you very
2 much for being here. And we appreciate your testimony.
3 Mr. Paparian.

4 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.
5 It looks like the Mayor wants to add something.
6 I may have a question for him.

7 MAYOR NOGUEZ: You had a question in terms of the
8 potential cost once the clean up is materialized. We're
9 estimating anywhere from 2 to 2.5 billion in today's
10 market. We had an assessment done, I believe, five years
11 ago. And it was right around \$1.3 million, if cleaned.
12 But, of course, the market situation in Southern
13 California has increased to the level of 2 to \$2 1/2
14 million. And that's one of the things I wanted to add to
15 my previous comments.

16 BOARD MEMBER PAPARIAN: If we were to take title
17 to it, presumably we would then want to turn it over to a
18 school district, a park district, or somebody else who
19 hopefully would have some funds to make us whole. But in
20 one way or another, we ought to work together to make that
21 happen.

22 MAYOR NOGUEZ: Completely. Working together
23 works, and we definitely believe in that philosophy.

24 BOARD MEMBER PAPARIAN: The community groups,
25 very understandably, want to make sure that they have

1 lines of communication to understand everything that's
2 going on. It's going to be intensive. If we do the
3 cleanup, it's, you know, 100 trucks a day or more times, a
4 lot of activity, and so forth.

5 There's another thing that I understand may be
6 happening. And that is the owner may get in there and try
7 to appear that they're processing the material. And they
8 would do that on site, presumably. I would want to make
9 sure that everybody in the community understood, if that
10 happens, that's not us going against the wishes of the
11 community by processing on site. There's something else
12 going on there with the owner of the facility, that we
13 wouldn't be able to control or have control over, at least
14 in the short term. So the lines of communication are
15 going to be very important as this goes forward.

16 MR. VILLANUEVA: We are aware of what the owner
17 is thinking about doing. And we have notified community
18 residents. We had a rally and event last night, and we
19 let community residents know. And community residents are
20 definitely in support of having California Integrated
21 Waste Management move forward and deal with this, because
22 we know that you will deal with it in a way that keeps in
23 mind people's health and keeps in mind environmental
24 justice.

25 MAYOR NOGUEZ: Another thing that I would like to

1 add is the residents are not ignorant in terms of what the
2 stall tactics have been in the past where they go in, make
3 the effort, and then they stop. They come to a complete
4 halt. And then it's another three to four months before
5 we're in front of the judge once again saying, "Your
6 Honor, they've done this before. This is the last time.
7 And we give extension after extension. And my community
8 can no longer give another extension." This is the time
9 to take action. And we feel it's the proper time.
10 They've waited far too long. I just hope we don't have
11 another earthquake.

12 CHAIRPERSON MOULTON-PATTERSON: Me, too.

13 Ms. Mule.

14 BOARD MEMBER MULE: Thank you, Madam Chair.

15 I just have a few comments. I've been involved
16 in disaster cleanups for the past twelve years or so. And
17 I just want to share with all of you and with the public,
18 I have never ever before seen anything like this occur.
19 This is not usual. This is an extreme situation. And,
20 frankly, when I was briefed on this, I was appalled. I
21 was extremely appalled that this debris would be allowed
22 to sit in a community for over ten years.

23 What it does, though, is, you know, the
24 irresponsible actions of a company, ARS, has really
25 damaged the reputation of an entire industry. And that

1 saddens me as well.

2 But I just want to share with the community I
3 think that, hopefully, we will all approve this. And I
4 just want you to understand, please, that we want to get
5 this done as quickly as possible, but it is going to be an
6 inconvenience. But we want to do it as safely as
7 possible. So I just want to share all of that with you.

8 But, again, I have never ever seen anything like
9 this. I was flabbergasted. Thank you.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you.

11 Ms. Marin.

12 BOARD MEMBER MARIN: With your indulgence, Madam
13 Chair, I would love to make a motion to approve Resolution
14 2004-169 and 2004-186.

15 BOARD MEMBER WASHINGTON: Second.

16 BOARD MEMBER MULE: Second.

17 CHAIRPERSON MOULTON-PATTERSON: We have a number
18 of seconds.

19 BOARD MEMBER MARIN: Four seconds.

20 CHAIRPERSON MOULTON-PATTERSON: Motion by
21 Ms. Marin, seconded by Mr. Washington to approve
22 Resolutions 2004-169 and 2004-186.

23 Do we need to vote on them separately?

24 CHIEF COUNSEL CARTER: Yes. That would be best.

25 CHAIRPERSON MOULTON-PATTERSON: Please call the

1 roll for 2004-169.

2 SECRETARY WADDELL: Marin?

3 BOARD MEMBER MARIN: Aye.

4 SECRETARY WADDELL: Mule?

5 BOARD MEMBER MULE: Aye.

6 SECRETARY WADDELL: Paparian?

7 BOARD MEMBER PAPARIAN: Aye.

8 SECRETARY WADDELL: Peace?

9 BOARD MEMBER PEACE: Aye.

10 SECRETARY WADDELL: Washington?

11 BOARD MEMBER WASHINGTON: Aye.

12 SECRETARY WADDELL: Moulton-Patterson?

13 CHAIRPERSON MOULTON-PATTERSON: Aye.

14 Now for Resolution 2004-186, please substitute
15 the previous roll call without objection.

16 I see no objections.

17 This is -- congratulations. I'm really happy to
18 see this.

19 (Applause)

20 CHAIRPERSON MOULTON-PATTERSON: It's nice to do
21 something like this. Okay.

22 Do we need a break? Does our court reporter need
23 a break right now? Why don't we take ten minutes right
24 now? I need it.

25 (Thereupon a recess was taken.)

1 CHAIRPERSON MOULTON-PATTERSON: And we are on
2 Number 11, the Landfill Facility Compliance Study, Phase
3 II Report.

4 And Ms. Packard is going to give us that report.
5 (Thereupon an overhead presentation was
6 presented as follows.)

7 ASSISTANT DIRECTOR PACKARD: Thank you, Madam
8 Chair. Good afternoon, Board members. Rubia Packard with
9 the Policy Office.

10 This is Agenda Item 11, Presentation and
11 Discussion of the Landfill Facility Compliance Study Draft
12 Phase II Report, which was the evaluation of regulatory
13 effectiveness based on a review of 53 MSW landfills and
14 Task 8 Report, which is a summary of findings and
15 comprehensive recommendations. This is the Fiscal Year
16 99-2000 and Contract Number IWMB-C9047.

17 Before I introduce this item in terms of what
18 will be covered --

19 CHAIRPERSON MOULTON-PATTERSON: Ms. Packard --
20 does anyone have any ex partes, any Board members, that
21 have -- that you've talked on an issue?

22 Mr. Paparian.

23 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

24 I talked to Evan Edgar and Gary Liss about this
25 item that's currently up. I also said hi to Denise

1 Delmatier, John Cupps, and the folks from Huntington Park.

2 CHAIRPERSON MOULTON-PATTERSON: Fine. I really
3 don't think we need to report the hi's, unless it's on an
4 issue.

5 Isn't that right, Ms. Carter? I think you're in
6 concurrence with that.

7 CHIEF COUNSEL CARTER: Yes, Madam Chair.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you.

9 Mr. Washington, do you have anything?

10 BOARD MEMBER WASHINGTON: Nothing.

11 CHAIRPERSON MOULTON-PATTERSON: Ms. Mule?

12 Okay. Thank you. We have nothing either.

13 Go on. I'm so sorry to interrupt you.

14 ASSISTANT DIRECTOR PACKARD: That's okay. No
15 problem.

16 Before I go into a very brief description of what
17 will be covered today, I would like to thank the study
18 team that worked on this report with us here at the Board.
19 This has been a year's long effort, a lot of work. A lot
20 of people worked on it. We had a lot of support from a
21 lot of different people. We would not have been able to
22 complete this contract and all of the deliverables and
23 studies and reports that were encompassed by this
24 contract.

25 So I'd like to just take a quick moment to thank

1 Mike Wochnick, John Bell, Joe Mello, Ed Wosica, Pete
2 Fuller, Renaldo Crooks, Claudia Moore, Betty Wong, Skip
3 Amerine, and most especially I'd like to thank Bobbie
4 Garcia. Bobbie Garcia has worked her you know what off on
5 this contract and on all of these reports. And I think it
6 has been her efforts that have helped the contractor make
7 it an even better study and all of the deliverables better
8 and all of the reports better. So I just want to make
9 sure that the Board members knew how much support we have
10 received in this effort.

11 This item is a presentation of the Phase II
12 Report and the Task 8 Final Project Report. So this ends
13 this contract.

14 The draft Phase II Report provides an assessment
15 of the effectiveness of current MSW regulations in
16 controlling environmental impact over time and identifies
17 possible ways to improve regulations to provide for
18 greater environmental protection.

19 The Task 8 report presents the culmination of the
20 landfill study summarizing findings and recommendations
21 from the two phase cross media study and identifying those
22 recommendations that are expected to have the most
23 immediate tangible benefits to the environmental
24 performance of landfills, if implemented in California.
25 Both of these reports are part of the landfill compliance

1 study, which the Board initiated several years ago, to
2 have a comprehensive picture of MSW landfill environmental
3 performance across all environmental media.

4 Today's presentation will be made by the
5 contractor, GeoSyntec Consultants, Inc. Michael Minch has
6 been the Senior Project Engineer. Julie Holmes Ryan has
7 been the Project Engineer and assisted in the studies.
8 And Pat Lucia, a principal with GeoSyntec, is also here to
9 provide some of the introductory remarks.

10 But before they begin, I'd like to address an
11 issue that came up during our April presentation on the
12 landfill -- the previous deliverable on the landfill
13 study. Madam Chair, you and Board Member Paparian had
14 requested some additional information and some additional
15 work. Unfortunately, we were unclear on your direction at
16 that time. We did not pick up on that. But we are
17 certainly willing now to explore the additional ways -- or
18 explore the additional information regarding landfill
19 standards, landfill compliance across other states, and
20 the enforcement tools that they have to ensure compliance.
21 So we have -- when we realized we had missed the boat on
22 your direction, we did pull together some staff. And
23 we've discussed some ways to address your concerns and
24 your request.

25 What we're proposing to do is continue to discuss

1 that and maybe bring those issues to the P&E Committee.
2 We've already discussed it with Board Member Marin, who's
3 more than willing to take that up in her Committee and
4 scope out exactly what it is that needs to be done in
5 those additional areas and address it through the
6 Committee. So I apologize for the misunderstanding and
7 missing the boat on that direction. And we're certainly
8 willing to do that.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you.

10 ASSISTANT DIRECTOR PACKARD: Lastly, I want to
11 suggest -- and we discussed this with Board Member Marin
12 as well as in her briefing. Some of the recommendations
13 that you'll hear today are relative to authority that the
14 Water Board has, rather than the Waste Board has. So,
15 Madam Chair, recently you were asking about some ideas for
16 another joint meeting with the Water Board. So we were
17 thinking that this might be a good opportunity for that
18 kind of joint meeting for a subject to cover in another
19 joint meeting, is these joint recommendations in this
20 report discussing with them what they can do to help us
21 with the landfill study recommendation, et cetera. So I
22 just want to bring that up in case you were interested in
23 pursuing that.

24 CHAIRPERSON MOULTON-PATTERSON: Definitely.
25 Thank you very much.

1 ASSISTANT DIRECTOR PACKARD: With that I'd like
2 to introduce the contractors who will provide an overview
3 of these two reports for you. And this is Pat Lucia.

4 MR. LUCIA: Thank you. I'm Pat Lucia. I've been
5 the principal in charge of this project, and I also serve
6 as Chairman of the Board of GeoSyntec Consultants. I want
7 to thank you for the opportunity to have worked on this
8 project for the last four years. It has been an
9 interesting and exciting and sometimes terrifying
10 experience for us.

11 My company has worked on over 1,000 landfill
12 sites throughout the United States, probably on four or
13 five different continents throughout the world. And I can
14 tell you that this is a unique study for which I know of
15 no precedent. We've looked at 224 landfills here in
16 California. We've done additional study on 53, as you'll
17 hear about. We've looked at regulations at eight
18 different states throughout the country. And we've looked
19 at regulations in a number of countries throughout the
20 world. And at the end of this report, there are some very
21 specific recommendations which we think will improve the
22 state of environmental compliance for landfills here in
23 California.

24 But by no means was this something that GeoSyntec
25 accomplished on its own. I think Rubia, Bobbie mentioned

1 it. There was a project team who was invaluable in
2 helping us wade through the regulations and understand the
3 complex series of regulations that we have here in
4 California. And I want to thank all of those people that
5 were mentioned. In particular, the staff here at the
6 Board, I want to give some extra thanks to.

7 Being a unique project, there were times when we
8 were going down one road, and I think Board wanted us to
9 go down another road. And we had a few bumps in the road.
10 And I want to thank Mark, who, on those occasions, would
11 call me and in a very professional and problem-solving
12 way, we are able to meet with Rubia and Bobbie and get
13 this project really back on track. And Rubia and Bobbie
14 both helped us innumerable times in editing this report
15 and producing something that we think we're really proud
16 of as a document. But more than anybody, you know, myself
17 and our staff want to thank Bobbie, who waded through
18 stuff with us, word by word, day after day, you know, year
19 after year to help us get this project to something I
20 think we're all proud of today.

21 The two people who did most of the work on the
22 project are right behind me; Mike Minch, who will give you
23 a review of the Phase I portion of the study; and Julie
24 Ryan, who will talk about the more recent studies that we
25 conducted in Phase II in the presentation. And we're

1 certainly open to questions as we move along.

2 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you
3 very much. We look forward to hearing from you. We're
4 going to miss you. You've been here as long as I have.

5 --o0o--

6 MR. MINCH: Good afternoon. My name is Mike
7 Minch, Senior Project Engineer with GeoSyntec. I'll be
8 giving the presentation on the first half of this
9 presentation regarding the Phase I part of the project.
10 Julie Ryan will give the presentation on the second half
11 of Phase II. And you've already met Pat.

12 --o0o--

13 MR. MINCH: The purpose of this presentation is
14 sort of all encompassing. Now that we're at the end of
15 this project, we're going to recap a lot of what has been
16 presented already along with the new information that's
17 been done as part of Tasks 4 and 5, and kind of sum it up
18 with a comprehensive findings of the entire study.

19 --o0o--

20 MR. MINCH: Just to reiterate sort of the
21 structure of this study, Phase I had three separate tasks.
22 Initially, it was to look at the regulations that exist in
23 California and compile them into one document to sort of
24 see where we're starting off at.

25 Task 2 involved looking at the 224 California MSW

1 landfills that had received waste after the enactment of
2 Federal Subtitle D and look at the cross-media impacts to
3 air, water, land.

4 The third task then was to take the data
5 collected under Task 2 and try to make some sense out of
6 it collectively.

7 --o0o--

8 MR. MINCH: The second phase involved taking a
9 more in-depth look at a select few of those 224. We had
10 40 of the original 224 sites and an additional 13, for a
11 total of 53. The additional 13 had been closed prior to
12 enactment of Subtitle D.

13 The fifth task involved assessing that data that
14 was collected in task four.

15 Number 6, we looked at other states' and
16 countries' regulations to see what parts of those
17 regulations could be applied -- could be beneficial if
18 applied to California.

19 And then Task 7 involved looking at emerging
20 technologies and seeing which ones would be most
21 environmentally beneficial in California.

22 Task 8, which is the subject of today's
23 presentation, was summing everything together and giving
24 comprehensive findings.

25 --o0o--

1 MR. MINCH: As mentioned before, this study is
2 the most comprehensive cross-media inventory ever
3 undertaken in California. And in cross-media, you know,
4 one of the things that we noted early on was that the
5 various regulatory agencies look at landfills differently,
6 look at the media differently. Some are concerned mostly
7 with -- like the Air Districts are concerned with air
8 quality. The Water Board's concerned with the water
9 impacts. And so this is sort of the first study of its
10 kind that looks across all those different -- the media.

11 The study itself was broad in scope. It involved
12 looking at not only the landfills, but the technologies
13 and the regulations. It was also complicated by the fact
14 that California has a lot of diversity in terms of its
15 size, in terms of its political arenas, the physical
16 environment. And also within the regulatory structure,
17 because the regulation of MSW landfills is divided amongst
18 three different regulatory bodies with different sets of
19 rules. That makes it even more complex to look at
20 everything as a whole.

21 And then lastly, the study was challenging in the
22 fact that we looked at this issue from many different
23 perspectives with each task that I mentioned previously.

24 In total, GeoSyntec has about 10,000 staff hours
25 to complete this project. It's been ongoing for about

1 four years, and it has certainly been a challenge.

2 --o0o--

3 MR. MINCH: So we'll go through task by task and
4 kind of reiterate what we've done.

5 The initial task, Task 1, involved compiling a
6 checklist of all the existing regulations specific to
7 landfills -- MSW landfills to be considered. Basically,
8 to have, like I said before, a starting point. This is
9 what is the current state of the regulations. And in
10 general, the findings said that, yeah, it is a very
11 complex regulatory structure divided amongst the three
12 agencies. And one of the things that even beyond that --
13 like the air regulations are written by the 35 different
14 air districts that have their own rules. So, again, it
15 just adds more complexity to the regulatory structure.

16 --o0o--

17 MR. MINCH: The second task of the project, which
18 is probably the most time consuming of all, was the
19 compilation of an inventory of MSW landfills. This is the
20 cross-media inventory. We included 224 MSW landfills. In
21 order to gather the data on this information, we
22 physically visited 97 EA Water Board and Air District
23 offices throughout the state to do file reviews on each of
24 the landfills. All the data that was compiled was
25 reviewed by the owners and operators and regulators for

1 each of those sites. They provided comments -- almost 240
2 sets of comments that were then incorporated.

3 And at the end of the project, we were able to
4 compile a database of 25 megabytes in size, larger than
5 the SWIS database, that contains this information for each
6 of the sites, and over 1,000 scanned permits, photos, and
7 other documents that are text searchable all linked to
8 each of the individual sites.

9 --o0o--

10 MR. MINCH: The data that was collected was
11 pretty broad based. We included general features -- site
12 characteristic features about setting features, including
13 the geologic materials, annual precipitation. There were
14 many items on the list.

15 Operational features: The owner type, the size,
16 the status, and age.

17 And design features: Going into detail on what
18 type of liners, cover types, gas collection systems.

19 --o0o--

20 MR. MINCH: All this information is compiled and
21 available on the Integrated Waste Management Board
22 website, the landfill study site. This is for the period
23 from 1998 to 2001. That's the period that the data was
24 collected for. And this is accessible to the public. And
25 they can search all those documents that I mentioned

1 earlier.

2 --o0o--

3 MR. MINCH: That brings us to Task 3. Now that
4 we have all this data, what do we do with it? So the
5 goals of this task, Task 3, were to categorize the MSW
6 landfill, sort of do a census evaluation of what the
7 current state of practice is. Then to come up with
8 screening indicators for evaluating the performance -- the
9 environmental performance of the landfills. Perform
10 analysis to relate the site characteristics to the
11 environmental performance, and then also to recommend 40
12 landfills for inclusion in the next phase of the study,
13 and provide a brief overview on non-MSW solid waste
14 landfills.

15 --o0o--

16 MR. MINCH: So here's an example of some of the
17 data that's presented in the Task 3 report. This, again,
18 is sort of the census of the 224 sites. This slide shows
19 the distribution of liner types amongst the 224 sites that
20 we evaluated. As you can see from this, the fully unlined
21 sites are the largest component of the various categories
22 that we had. Again, these are all the sites that received
23 waste after Subtitle D was enacted.

24 --o0o--

25 MR. MINCH: Another interesting thing we came up

1 with was we developed a sort of typical landfill. We
2 chose the middle of the road for each of these various
3 site characteristics. We came up with a profile for what
4 would a typical landfill look like in California. This
5 site would be publicly owned and a rural environment. It
6 would be about 55 acres. You can read the rest of the
7 things on the list. But it would be fully unlined. Or in
8 the case of active sites, partially unlined and fully
9 uncovered.

10 --o0o--

11 MR. MINCH: Another thing that came out of Task 3
12 was an evaluation of the remaining capacity throughout the
13 state. This is MSW capacity based on permitted limits.
14 Statewide, 1.5 billion cubic yards, and it's distributed
15 as shown on the right-hand side on the map. Each dot is
16 proportional to the remaining capacity in each of the
17 counties. Throughout the population, that would equate to
18 44 cubic yards per person, or a cube of 11 foot on each
19 side.

20 --o0o--

21 MR. MINCH: The next part of Task 3 was to
22 develop indicators of environmental performance. And this
23 was definitely sort of a turning point in this task. One
24 of the issues is that landfills are complex systems, and
25 they have complex systems to monitor them. Quantifying in

1 a reasonable fashion environmental performance of a single
2 site is complex, and then making comparisons of
3 environmental performance from site to site can be even
4 more complex if you look at raw data.

5 So in order to complete this task, we had to look
6 for a simplified approach, something where we can quantify
7 data reasonably across each of those 224 sites with the
8 information available from each site. Something that
9 would be representative of performance and provide a
10 uniform measure.

11 --o0o--

12 MR. MINCH: To accomplish this, we ended up
13 looking at the actions taken by each of the three primary
14 regulatory bodies. One of the responsibilities of each
15 regulatory agency is to protect the environment to take
16 action in the event that the environment is not being
17 protected. As such, we took these various actions shown
18 on the right-hand side of this slide and compiled sort of
19 simplified variables that then could be used to indicate
20 either good or bad environmental performance.

21 --o0o--

22 MR. MINCH: So now that we have these indicators,
23 the next step was to do a statistical analysis to compare
24 which of these general site characteristics, the size, the
25 age, the liner type, which ones of those would lead to

1 these five environmental performance variables that we
2 derived.

3 --o0o--

4 MR. MINCH: Phase I, the strongest conclusions
5 through this statistical analysis showed that the sites
6 that are most likely to be in corrective action or have
7 water-related cleanup and abatement orders are larger,
8 urban, and at least partially unlined and located in areas
9 of higher than average precipitation.

10 The converse of that is the sites that were least
11 likely to have corrective actions or water-related cleanup
12 and abatement orders are smaller, rural, unlined, and in
13 areas of drier climate.

14 --o0o--

15 MR. MINCH: A larger volume of waste over a
16 larger area with a higher precipitation together leads to
17 a higher potential for release. It's not a very shocking
18 finding. But, again, it's the strongest one from the
19 statistical analyses that we came up with.

20 And in addition, the same sites with larger
21 volume and higher precipitation have a larger potential to
22 produce landfill gas and have landfill gas compliance
23 issues.

24 There's a whole other set of wider range findings
25 in the report, but again, these are just the strongest

1 ones.

2 --o0o--

3 MR. MINCH: And then at the completion of Phase I
4 of the project, we selected, along with input from Board
5 staff, 40 landfills from that initial list of 224 to look
6 at more in-depth in the next phase of the study, and then
7 also include 13 sites which had closed prior to enactment
8 of Subtitle D.

9 And the more in-depth study is to basically take
10 it one step beyond the simplified variables that we used
11 for the initial screening analysis.

12 And the next phase has to do with assessing the
13 effectiveness of the regulations to protect the
14 environment.

15 And to present Phase II, I'm going to turn this
16 to Julie Ryan.

17 --o0o--

18 MS. HOLMES RYAN: Thank you.

19 Task 4, Phase II, the methods of Task 4 included
20 reviewing the Task 2 inventory for each of the sites and
21 contacting the owners and the regulators. From these
22 interviews, we wanted to get some insight into the reasons
23 why a site might be performing well or not performing well
24 environmentally. By talking to the owner and regulators,
25 we were able to collect information that had not been

1 available to us in the Task 2 database from those people
2 who know the sites best.

3 With this information, we developed a summary for
4 each landfill, including objective information about
5 performance of the sites and the regulations. We found
6 this to be a little difficult through interviews because
7 the people we talk to are intimately involved with the
8 sites, and sometimes they volunteered a lot of opinion.
9 So through numerous rounds of editing, we removed the
10 opinion that could not be supported by fact, and a final
11 product was developed through each site. The final
12 product was in the process of being posted on the study's
13 website.

14 --o0o--

15 MS. HOLMES RYAN: This slide provides an example
16 of one of the narratives that was developed for a site.
17 This one is Mission Canyon, which is one of the 13 sites
18 that was closed prior to 1993. For old sites or for low
19 volume sites where there was often little information to
20 be collected, the narratives were short, like this one.
21 But for some of the sites where regulators and owners are
22 actively working on regulatory compliance issues, the
23 narratives were considerably more lengthy, on the order of
24 five to six pages.

25 --o0o--

1 MS. HOLMES RYAN: To perform -- so then we moved
2 on to Task 5 after we developed these narratives. And to
3 perform Task 5, we reviewed the narratives that we
4 developed in Task 4, looking for any common themes. After
5 identifying these common issues, we looked further into
6 the details of the sites to identify any common site
7 conditions. Based on the results of the analysis, we
8 developed recommendations for changes to the existing
9 regulations, if the change would result in better
10 environmental protection.

11 --o0o--

12 MS. HOLMES RYAN: The primary categories that we
13 focused on in searching for common themes and the site
14 narratives are listed here. Based on the results of Task
15 4, we focus primarily on containment, monitoring, and
16 control systems during the active life and post-closure
17 care.

18 --o0o--

19 MS. HOLMES RYAN: For each of the common issues
20 we identified, which we're calling selected regulatory
21 topics, a thorough evaluation was performed using each of
22 the criteria listed on this slide. For example, we
23 provide a description of the issue and how it's
24 manifesting itself at the selected landfills. We also
25 identified any notable conditions at the selected

1 landfills where it's occurring and look for sites with
2 similar condition from the Task 2 inventory. If we were
3 presenting a proposed change to the regulations, we
4 evaluated the level of anticipated environmental
5 protection benefit that might be achieved by that change
6 and identified any costs or impacts that it would have on
7 designer and operations of the landfill.

8 --oOo--

9 MS. HOLMES RYAN: In performing Task 5, we had
10 some general -- we came up with some general findings. We
11 did not identify any recurring issues of landfill gas
12 impacts on air quality. And we made no recommendations
13 for changes to the air district regulations. The fact
14 that we didn't find any recurring issues with respect to
15 air quality isn't particularly surprising, because the
16 regulations do vary from district to district. We also
17 did not find any recurring environmental issues associated
18 with containment systems or closure and post-closure care
19 that can be improved by making changes to the regulations.

20 We did, however, find that the existing
21 regulations address the explosive gas hazards associated
22 with migrating landfill gas, but they don't sufficiently
23 consider the potential impacts that landfill gas can have
24 on groundwater. This was one of the most significant
25 findings of Task 5.

1 --o0o--

2 MS. HOLMES RYAN: For the specific
3 recommendations that we've made in Task 5, for changes to
4 regulations and oversight, they fall into three main
5 categories: Landfill gas monitoring and control,
6 groundwater quality monitoring, and surface water
7 monitoring and control. This slide presents the
8 recommendations for changes regarding explosive gas
9 hazards from landfill gas.

10 The existing regulations for landfill gas have an
11 extensive monitoring and control program defined during
12 the post-closure care period, but the program for the
13 active life is more limited. We recommend the regulations
14 be changed, so the program implemented during the active
15 life is as comprehensive as it currently is for the
16 post-closure care period.

17 Also, some sites have large buffers, which help
18 them to comply with explosive gas concentration
19 requirements. But because migrating gasses can impact
20 ground water, it may be appropriate to monitor for gas
21 closer to the waste mass. The change could be implemented
22 without changing the regulations if it's promoted by the
23 Local Enforcement Agencies.

24 --o0o--

25 MS. HOLMES RYAN: With respect to groundwater

1 quality monitoring, landfill gas, it was found, can impact
2 groundwater. And we recommend that the landfill gas
3 monitoring in the regulations be changed to include
4 monitoring for landfill gas in the detection monitoring
5 program for water quality. This could be accomplished by
6 either explicitly requiring it in the regulations or by
7 encouragement from the regional boards.

8 And last, we've recommended that all landfills be
9 required to submit an Annual Winterization Plan. We've
10 made this recommendation for all landfills because
11 winterization plans were found to be helpful at landfills
12 with different climates. And because storm-related
13 compliance issues were found to occur at sites with
14 different climates, not just regular sites. This
15 recommendation could be addressed either by explicitly
16 requiring it in the regulations or by encouragement from
17 the regional boards and the enforcement agencies.

18 --o0o--

19 MS. HOLMES RYAN: Then we move on to Task 6. As
20 was consistent with the scope of work, the goal of Task 6
21 was to recommend elements of other states and countries
22 regulations that, in applied in California, could possibly
23 improve the impact of MSW landfills on air and water
24 quality.

25 We identified eight states and five countries and

1 collected their regulations for review. We identified
2 those specific elements of the regulations that
3 represented a significant difference from the California
4 regulations and that can potentially affect environmental
5 performance. We performed a detailed evaluation of 22
6 regulations, and recommendations were developed for them.
7 This evaluation was complicated because each regulation
8 has the potential to impact multiple media.

9 --o0o--

10 MS. HOLMES RYAN: This slide presents the eight
11 states that were selected for evaluation in the study.
12 The states were generally selected because they have
13 specific characteristics, such as New Mexico, which has a
14 unique climate, or New York, which requires double liner
15 systems for all new MSW cells. The eight states
16 include --

17 BOARD MEMBER WASHINGTON: Washington, New Mexico,
18 Wisconsin, West Virginia, Pennsylvania, New Jersey,
19 Delaware, and New York. The specific reasons for
20 selecting each state are detailed in the Task 6 report.

21 --o0o--

22 MS. HOLMES RYAN: This slide presents the five
23 countries that were selected for evaluation. They were
24 selected for a variety of reasons, including accessibility
25 to the regulations and to provide a distribution of

1 social, political, and geographical characteristics. The
2 countries selected for evaluation include Brazil, South
3 Africa, Japan, and Australia, as well as the European
4 Union. Australia has independent regulations for each
5 state, so Victoria, New South Wales were selected for
6 review in the study.

7 The European Union is set up similar to the U.S.
8 It has an umbrella set of regulations that apply to all of
9 the member countries, and then each of the member
10 countries are allowed to have more stringent regulations.
11 This study focused on the e-directive, as well as specific
12 regulations from the United Kingdom and Germany.

13 --o0o--

14 MS. HOLMES RYAN: Based on our review of the
15 selected regulations, we compiled some general findings.
16 The California regulations are less specific than the
17 eight states and are more similar in rigidity to the five
18 countries. This is likely because California has varying
19 conditions across the state, which require more
20 flexibility in the regulations. Of the 22 regulations
21 that we reviewed, six are recommended for further
22 consideration in California.

23 --o0o--

24 MS. HOLMES RYAN: The recommendations for these
25 six regulations are presented on this slide.

1 We've recommended that California consider a type
2 of multi-tier structure for prescribing base containment,
3 which would be based on site conditions. This type of
4 structure is being implemented in South Africa where the
5 prescriptive base liner for new cells is defined based on
6 landfill size, rainfall, and evaporation rates. The more
7 protective liners are required at large sites in wet areas
8 than at small sites in dry areas.

9 This system could provide efficiency in the
10 design and -- in the design and installation of liners,
11 but it could also be structured to require a more
12 protective system if it's warranted. If a less protective
13 liner were implemented, it could limit the capacity of the
14 landfill and limit the potential for future growth of the
15 region where it's located.

16 Second, we have recommended that a standard be
17 developed for defining the end of post-closure care. A
18 standard based on groundwater quality has been defined in
19 Australia and Japan. California's existing regulations
20 require that waste in the landfill no longer pose a threat
21 to water quality, public health, and safety, and the
22 environment for a site to be released from post-closure
23 care. This requirement is ambiguous and not well defined.
24 We're recommending that criteria be developed that would
25 allow a release from post-closure care in California based

1 on leachate quality, landfill gas generation, the results
2 of groundwater monitoring, and the level of degradation of
3 the waste mass.

4 Third, we're recommending that a requirement for
5 pre-processing waste be considered in California. This
6 type of regulation has been recognized as a big step
7 towards developing sustainable landfill practices in the
8 European Union. However, we acknowledge this type of
9 regulation may be faced with hurdles in California, and it
10 would need to be studied.

11 And, finally, we identify three other regulations
12 that have been implemented in other states that may be
13 appropriate for California. These regulations address
14 landfill siting and explosive gas migration. However,
15 prior to recommending any specific regulatory changes, a
16 quantitative evaluation of existing regulations should be
17 performed. If the existing California regulations are
18 sufficiently protective of the environment, then we don't
19 recommend any changes for these.

20 --o0o--

21 MS. HOLMES RYAN: Task 7. The primary goal of
22 Task 7 was to identify emerging technologies that may have
23 environmental benefit if applied at California landfills.
24 To meet this goal, technologies were defined based on
25 input from industry experts and a review of existing

1 documents. Technologies were included that had enough
2 supporting information to allow a thorough evaluation.
3 Otherwise, the technology was removed from the study.
4 Existing documentation was reviewed to develop a detailed
5 discussion of each technology. And considering all the
6 aspects that we researched, we chose a range of
7 technologies that have considerable potential for
8 applicability in California.

9 --o0o--

10 MS. HOLMES RYAN: This list summarizes the
11 technologies that were discussed in the report and
12 provides an outline of the general organization of the
13 report. Pre-disposal technologies were ones which may be
14 applied before disposal of the waste in the landfill cell
15 and sometimes even before arrival of waste at the
16 landfill.

17 Landfill design technologies include those that
18 are applied to new landfill cells, incorporating
19 specifically designed landfill components.

20 Landfill remediation technologies are those most
21 often applied to existing landfill cells to beneficially
22 reuse byproducts, reduce harmful affects of the waste, or
23 to accelerate degradation.

24 And the last category was industry standards,
25 certification, and guidance documents, which was

1 inherently different from the others, because it applied
2 mainly to management and design of landfills.

3 --o0o--

4 MS. HOLMES RYAN: This slide presents the topics
5 that were discussed for each of the technologies that were
6 presented on the previous slide.

7 --o0o--

8 MS. HOLMES RYAN: And this slide presents the
9 short list that we came up with that represents those
10 technologies that would be most beneficial if implemented
11 in California.

12 To select this list, we looked at ease of
13 implementation, successful past experiences, site
14 conditions in California, and whether the technology was
15 in accordance with the existing California regulations.

16 Some of the problems with developing this type of
17 list are that there are many factors that affect the
18 application of the specific technology. There's inherit
19 differences in the different technologies that make them
20 not really directly comparable. Each these technologies
21 are described in detail in the Task 7 report.

22 --o0o--

23 MS. HOLMES RYAN: And finally we get to Task 8.
24 The goals of Task 8 were to compile the findings of the
25 previous task, which had been presented in this slide

1 presentation, and to develop a comprehensive set of
2 recommendations that would improve environmental
3 performance of California landfills based on the results
4 of all the previous tasks.

5 --o0o--

6 MS. HOLMES RYAN: The findings of Task 8 have
7 been presented as a report to the Board. In compiling the
8 comprehensive recommendations, we have considered the
9 ability of each of the prior recommendations and findings
10 made in Task 3, 5, 6, and 7, to provide immediate tangible
11 benefits to the environmental performance of California
12 landfills.

13 --o0o--

14 MS. HOLMES RYAN: In reviewing the results of
15 Tasks 2 through 7, we recognize that previous studies have
16 focused diligently on the performance of containment
17 systems. It follows then that many of the issues that are
18 actually occurring at landfills in California that we
19 studied, they don't really have to do with the performance
20 of the containment system. Rather, the most recurring
21 issues, which were identified in Task 5, were attributed
22 to the control of landfill gas and surface water. Also,
23 many of the recommendations from the previous tasks were
24 not reiterated in Task 8, because they either require
25 additional study prior to implementation or because the

1 potential environmental benefit may not be profound.

2 --o0o--

3 MS. HOLMES RYAN: So to sum it up, we have found
4 that the recommendations that were made in conjunction
5 with the Task 5 report, based on the information collected
6 from the 53 selected California landfills, are the most
7 immediately applicable, and they're expected to have the
8 most tangible environmental benefits if they're
9 implemented in California. These recommendations, which I
10 discussed earlier, are presented again on this slide and
11 they concern primarily landfill gas and surface water.

12 --o0o--

13 MS. HOLMES RYAN: And if anyone has any
14 questions.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you very
16 much. That is quite a task.

17 Mr. Paparian.

18 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

19 Just to be clear. I think I was -- I know I was
20 the one who brought up a couple months ago this issue on
21 Task 6, involving other states and countries and the gap I
22 saw in the report. When the other states and countries
23 were looked at, what was looked at primarily was issues
24 involving the design and construction of landfills and the
25 closure of landfills. And there were some gaps in the

1 in-between time, the operations of the landfills. And I
2 was hoping we'd be able to gather some information before
3 today on other states and countries equivalent of state
4 minimum standards and enforcement issues.

5 Since that didn't happen, Ms. Packard suggested
6 that this be appropriate for the P&E Committee. And if
7 it's all right with the other Board members, what I'd like
8 to do is work with the P&E staff in pulling together some
9 of this in a summary fashion, and then discuss it at the
10 P&E Committee about how we can move forward with that
11 information.

12 CHAIRPERSON MOULTON-PATTERSON: Yeah. I thought
13 that's what we had agreed to. Thank you.

14 Ms. Peace.

15 BOARD MEMBER PEACE: I wasn't here for most of
16 this. But I guess for \$650,000, they came up with four
17 recommendations basically dealing with landfill gas and
18 surface water? Am I reading that correct? I guess I'm --
19 am I reading that correctly?

20 MR. MINCH: Those four recommendations are
21 suspected to have the most immediate tangible benefit.
22 The remainder of the reports have many other
23 recommendations. But, again, to compress this 10,000-hour
24 effort into a 40-minute presentation, we've presented the
25 four most pertinent.

1 BOARD MEMBER PEACE: Some of these
2 recommendations regarding landfill gas and stuff, is that
3 something, Howard, that our staff is already -- have we
4 already looked into some of these things? Are we
5 considering some of these things?

6 DEPUTY DIRECTOR LEVENSON: Ms. Peace, Madam
7 Chair, Board members, indulge me for a moment or two.

8 In terms of the four major recommendations that
9 they came up with in Task 8, there's a couple of those
10 that pertain directly to the Waste Board. Many of the
11 other recommendations are germane to the Water Board.

12 One of the recommendations was to make the
13 requirements for gas monitoring as stringent in the active
14 period as in the post-closure period. And staff does
15 agree that that's something that we ought to be looking
16 into.

17 Another one was the requirement for an Annual
18 Winterization Plan, which LEAs can require at this point.
19 But it's something in terms of consistency across the
20 state we could be looking at.

21 You know, we have done a lot of things related to
22 landfills over the past three or four years, in some ways
23 in response to the 2000 Audit Report, in terms of looking
24 at landfill capacity, the long-term gas violation
25 regulations, changing parts of the enforcement policy,

1 looking at civil penalties which AB 1497 in part
2 addressed.

3 There are a number of issues that I think are
4 important that we have some ongoing work on. I think
5 Mr. Paparian has raised one of the issues about
6 enforcement tools. And that's something that we have a
7 working group between Waste Board staff and the LEAs
8 looking at, for example, in a fairly narrow fashion at
9 this point, the model that the CUPAs use and whether the
10 civil administrative penalties are something that the
11 CUPAs have and that's applicable to the LEA framework, if
12 you will.

13 And we can certainly, over some time -- there's
14 some timing and resource constraints that we may have to
15 consider. But over time, we could look at -- for example,
16 we could do some searches and see what as been done in
17 other states where there's been an actual violation and a
18 fine, where Mr. Paparian shared with us the Pennsylvania
19 landfill situation where there was -- I forget how much it
20 was. But a million plus fine. We could look at
21 situations like that to see if there was anything
22 different about those situations in comparison to
23 California.

24 And we could do some, I think, survey of
25 enforcement tools. That's relatively doable. And I think

1 we could incorporate into that ongoing effort and report
2 back to the Permitting and Enforcement Committee later
3 this year. We can certainly talk about that more in that
4 general direction in the next month or month after that.

5 We have a lot of work ongoing on what I think are
6 two critical issues. One is what happens to -- who's
7 responsible for corrective actions at landfills after the
8 post 30 years -- the 30-year post-closure maintenance
9 period is over? And what are the financial
10 responsibilities to society and to the industry. That's
11 something that we have ongoing work on, and we are going
12 to have a workshop/item, something to that effect, before
13 the Committee in the October-ish timeframe.

14 We also have internally talked about the need for
15 more work on landfill gas monitoring, efficacy over the
16 long term. What is the state of current equipment? Is it
17 consistent across California, different landfills? Do we
18 need to do more research and look at better technologies?
19 Are there standards that we need and things like that?
20 That is something that we probably have to look at in
21 terms of another contract or something like that. It's a
22 fairly, fairly intensive effort.

23 So I think, in short, there are some things
24 that -- pertinent to the Waste Board that the GeoSyntec
25 study recommends that could be done. There are other

1 things that are going to take a lot more work to bring
2 specific recommendations to the Board. And I think one of
3 the things we need to work with the Committee and the
4 Board on is which ones --

5 BOARD MEMBER PEACE: Prioritize them.

6 DEPUTY DIRECTOR LEVENSON: -- are most important
7 and where do we put our resources.

8 CHAIRPERSON MOULTON-PATTERSON: Ms. Marin.

9 BOARD MEMBER MARIN: I would like to -- first of
10 all, having no experience in any of this, but reading
11 thoroughly through it, I want to tell you, Madam Chair,
12 that I am very, very impressed. One of the things that
13 really struck me was the general findings of Task 6. I
14 mean that, to me, is the way -- the way I perceive it, I
15 think it shows a very clear path for us to follow. What
16 we're going to do, how we're going to do it, and how we're
17 going to prioritize what we need to do.

18 You know, one of the things that I have found is
19 that when we ask for any particular study, it hopefully
20 will answer some of the questions -- the pertinent
21 questions that were raised at the very beginning that
22 created the need for the study. But the study is just the
23 beginning of the great work that this Board has to do.
24 And insofar as answering the first initial questions, then
25 the question for the Board is, where do we go from here?

1 I think that is what's really exciting about this. It
2 shows us. It leads us into a path of the work that is
3 ahead of us.

4 I found fascinating the fact that California
5 regulations appear to be less specific than the
6 regulations of the eight selected states. To me, it's an
7 amazing finding. I would have -- without asking those
8 questions, I would have initially imagined that our
9 regulations were far more specific than anybody else. So
10 this leads us in a particular way where we want to go
11 next.

12 I find that, depending on the questions we ask,
13 are the responses that we're going to get. The clearer
14 the questions and sometimes the simpler the questions, the
15 better the responses are going to be to lead us in the way
16 we want to go. And I can tell you, I can see why four
17 years into the making it only created more questions for
18 us to continue to study. And I'm excited that now we have
19 a way, I believe, where we can go and continue to further
20 acquire the knowledge that we need to make even more
21 important decisions.

22 I want to thank you. I can see why it would take
23 so much work to come to some of these conclusions. And I
24 want to commend staff. I know that there's a lot -- an
25 incredible amount of work to come to these conclusions.

1 And I just want to -- without having been here for the
2 last four years or probably more than that, I just -- it's
3 a lot of work. And congratulations on your conclusions.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you very
5 much.

6 BOARD MEMBER MARIN: I just want to say that we
7 have our work cut out for us, Mr. Paparian.

8 CHAIRPERSON MOULTON-PATTERSON: I was just going
9 to say, we're going to be handing this over to the P&E
10 Committee for the next step. And we really appreciate all
11 you've done, GeoSyntec, Bobbie Garcia has done a terrific
12 job. Rubia Packard, just a terrific job on this.

13 I, too, am surprised. If somebody would have
14 asked me, I'm a surprised that California isn't the most
15 specific, instead of one of the least specific. So
16 anyway, I don't see other lights again.

17 EXECUTIVE DIRECTOR LEARY: Madam Chair, may I
18 just make a closing comment?

19 Having been involved with this nearly as long as
20 you have, I do want to echo your comments. And at the
21 risk of being a little bit of an add-on, I want to just --
22 huge kudos to GeoSyntec. We got a million-dollar study
23 for a lot less up money than a million dollars. And when
24 the Board has long wanted to be associated with a
25 world-leading effort, this is truly a world-leading

1 effort. Never has a comprehensive analysis been done
2 about a state's regulatory approach as that one has been
3 done for California under your direction, Madam Chair, and
4 the Board, by this contractor. And so I think this is a
5 significant part of our legacy.

6 And, finally, I want to piggyback on something
7 Pat said about our staff. Bobbie Garcia has doggedly
8 followed this thing for four years, has improved the
9 product dramatically, and has put a lifetime of work into
10 four years of this effort. And between her and Rubia and
11 the team, they've done a marvelous job. And I just want
12 to throw my two cents in. And thank you for allowing me
13 to do that.

14 CHAIRPERSON MOULTON-PATTERSON: I appreciate
15 that.

16 And then, Bobbie, you were going to say something
17 and there was another light that came on. Did you have
18 any parting statements for this phase?

19 MS. GARCIA: The only thing I wanted to offer
20 that I don't think really came out, but it's in the Task 8
21 report, where it's under the Executive Summary. And one
22 critical thing that came out of this study was the working
23 with the three regulators and with the operators at the
24 same time. It added a tremendous workload to this study.
25 The finding came out that that needs to continue, that we

1 work all together in assessing landfill performance,
2 because it's all three regulators and the operator that
3 make it work and help us understand them better. So I
4 just want to make sure that information got out.

5 CHAIRPERSON MOULTON-PATTERSON: No. I appreciate
6 that. And I certainly hope we will be pursuing another
7 joint meeting with the Water Board. This, to me, would be
8 the perfect subject matter. So thank you very much.

9 And if no one else has anything, we'll go on to
10 our next item. Thank you.

11 Oh, Garry, I apologize.

12 Everybody, I forgot. Gary Liss had filled out a
13 speaker slip.

14 And, Gary, I do apologize. I had it in my hand a
15 couple of times. But now is your time.

16 MR. LISS: Thank you, Madam Chair. I'd like to
17 welcome the new Board members. My name is Gary Liss. I'm
18 here representing the Grassroots Recycling Network. I've
19 also been active for the last several years on the
20 National Recycling Coalition Landfill Committee, and the
21 Executive Committee of the Global Recycling Council to the
22 California Resource Recovery Association.

23 I just got back from the first national Zero
24 Waste Conference in Paris where the Halifax, Nova Scotia
25 Zero Waste promise was outlined. And they highlighted the

1 pre-processing system that was put into effect there. And
2 I just want to underscore that one of the recommendations
3 in this report is a critical one that should go forward
4 soon.

5 In Halifax, it was driven by a majority of the
6 people that were on well water. And so before they would
7 expand their landfill, they wanted to know they weren't
8 going to have negative impacts. And the pre-processing
9 was a key way of accomplishing that by assuring that they
10 leach the toxics out before they put it in the earth. And
11 I think that is a real key point to consider.

12 Regarding the report recommendations, I'd like to
13 complement the idea that the database is available for
14 review on the website. I look forward to analyzing that
15 myself further. Particularly wanted to highlight the
16 specific recommendations on the Phase II regulations were
17 good for the tiered based liners, the post-closure
18 standards, and pre-processing. Also on the gas
19 recommendations that came out of the Task 8 conclusions
20 for immediate tangible benefits I think are all excellent
21 near-term action areas that you can focus on. If you just
22 took those seven or eight items as immediate things to
23 move forward with, those would make a significant
24 difference here in California.

25 I think one of the big questions, though, is the

1 criteria of what is acceptable. And you heard the comment
2 that was immediate tangible benefits. I think that's one
3 of the fundamental flaws that we have as a society that we
4 focus on the immediate rather than the long term. And we
5 need to really focus on the next generation of analysis
6 and prioritization on those things that will also help in
7 the long term, because that's where some of the most
8 significant impacts could be.

9 I was also concerned in reading through, for
10 example, on page 27 of Attachment B, it notes that
11 one-third of California sites have had water-related
12 compliance issues. I guess the question I have is, what
13 is acceptable? Is it acceptable to have all of the
14 landfills in the state leaking and having water compliance
15 problems? We have standards, and then we have
16 enforcement, but what's acceptable? Is it acceptable that
17 a-third of our sites are leaking? I don't know. We need
18 to -- the Board needs to define success and the
19 expectations regarding enforcement as part of the
20 enforcement analysis that Howard alluded to is under way
21 right now.

22 In that regard, one of the key concerns of the
23 report, another criteria in there was cost. Now, I
24 believe in doing things practically, but one of the big
25 problems with landfill regulations at the federal level,

1 particularly -- and I hope you don't follow in that
2 footstep -- is the goal has been to do things that don't
3 cost more than current regulations. And there's lots of
4 reference here to it would significantly increase cost,
5 and the implication of that could be that therefore don't
6 do it. I urge that you not consider that cost color in
7 looking at protecting the health and welfare and
8 environment of the state.

9 In looking at the emerging technologies, it did
10 not look at emerging policies. And some of the policies
11 that are some of the most significant new developments in
12 the field, particularly in the European Union, is the
13 banning of material from the landfill. That's not a
14 technology. It's getting the stuff out, not having it
15 show up in the first place. E-waste banned essentially by
16 the out-of-state agencies have resulted in everyone
17 focusing now on what we should do with e-waste.

18 Similar efforts should be looked at for organics
19 and many other toxic components that are going into
20 municipal landfills today. And the composting alternative
21 needs to somehow integrate with the landfill policies that
22 are being addressed here with all your promotion
23 activities in regard to composting. One of the dilemmas
24 of the Waste Board is that you've always had these two
25 hats; one is the enforcer, and one as the promoter. And

1 this report did not do anything to bring those two issues
2 together, in terms of if you got the organics out through
3 more aggressive composting of organics in the state, you
4 wouldn't have all the stuff percolating and creating
5 landfill gas to become a problem.

6 There was a reference by the last presenter from
7 the firm GeoSyntec that in a 40-minute presentation there
8 was only so much they could convey. My feeling was that
9 there are a lot of good nuggets in the report. There's a
10 lot of good recommendations of things that could and
11 should be done. And I urge the P&E Committee to really
12 not just look at the top seven or eight, but after you get
13 going on those, then go back and mine the report, because
14 there are a lot of good suggestions in there that are
15 buried.

16 And the last comment that someone had made about
17 cross-media monitoring and coordination, I think is
18 absolutely critical. It's been a huge dilemma. This was
19 recognized as one of the first times you have looked at
20 things cross media, but how is that going to continue from
21 this point forward? One time meetings may be a useful
22 tool, but how do you keep that perspective, making sure
23 that someone is watching the whole landfill? And I think
24 that's a dilemma that we have institutionally in
25 California that does need to be addressed.

1 Finally, I'd like to leave a thought for you that
2 there was talk about a lot more study needs to be done.
3 There's always lots more studies that can be done. I urge
4 you to focus on implementation, demonstration RD&D, with
5 clearly defined goals and tasks and have a lot of the
6 study, particularly of the environmental impacts and
7 environmental review, challenge that to be done through
8 our existing processes. We have a wonderful process in
9 this state called CEQA. Under CEQA if the Waste Board
10 suggested that all these things should be considered when
11 reviewing any landfill application that came before the
12 Board, all of a sudden a lot of environmental review
13 people would be looking at a lot of these options in a lot
14 of depth that could enlighten all of us as to the relative
15 implications.

16 Those are some general comments. Again, I
17 applaud the state for having the foresight to launch this
18 study, and hope that it works well to integrate with your
19 other activities that Howard has. Think in terms of your
20 cleanup funds. How much have we funded cumulatively over
21 the years for not doing the right thing up front? And
22 look at doing the right thing in the future. See how this
23 relates to the RD&D regs that are coming before you, the
24 P&E Committee, June 28th. Conversion technologies, how it
25 relates to organics coming out the landfill and going

1 somewhere, how those are related, and financial assurance
2 issues coming before you in October for landfills that
3 Howard talked about.

4 Thank you for the opportunity to address you
5 today. And, again, congratulations on your leadership.
6 And I look forward to working with P&E and the Board on
7 implementing lots of these recommendations.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you,
9 Mr. Liss.

10 I do want to let you know, although this will
11 only be our second joint meeting with the Water Board, we
12 have been doing lots of cross media. Much, much more so
13 than ever happened before since we're all in this
14 building. We meet on a regular basis with the Water
15 Board, with Toxics, and so forth. So I think we have come
16 a long ways. We're not there yet, but we certainly are on
17 that road.

18 MR. LISS: I don't see everything that's going
19 on. Thank you for that.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you.

21 Item Number 12.

22 DEPUTY DIRECTOR WOHL: Good afternoon, Madam
23 Chair, Board members. Patty Wohl with the Waste
24 Prevention and Market Development Division.

25 I was wondering if we could potentially take

1 Agenda Item 14 next. I was just told that the potential
2 contractor has a conflict this afternoon and may have to
3 leave.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. We'll do
5 that.

6 DEPUTY DIRECTOR WOHL: Agenda Item 14 is
7 Consideration of a Scope of Work in California State
8 University Chico Research Foundation as Contractor to
9 Evaluate Performance, Degradation Rates, and Byproducts of
10 Various Degradable Technologies, and Compostable Rigid
11 Plastic Packaging Containers, Other Food Service Products,
12 and Bags Using Commercial Composting Method and Stimulated
13 Litter Environments. That's the longest title.

14 With that, I'll introduce Calvin Young.

15 CHAIRPERSON MOULTON-PATTERSON: Good afternoon,
16 Calvin.

17 MR. YOUNG: Good afternoon. And it's been a long
18 one, hasn't it? Anyway, good afternoon, Madam Chair,
19 Board members. My name is Calvin Young with the Plastics
20 Recycling Technology Section. And actually, this will be
21 my last presentation as part of the Plastics Section. As
22 some of you may have heard, I will be rolling into the
23 Tire Program starting next week.

24 CHAIRPERSON MOULTON-PATTERSON: Rolling in.

25 MR. YOUNG: Rolling in. Bear with me.

1 CHAIRPERSON MOULTON-PATTERSON: Congratulations.

2 We just appreciate so much what you've done in your area.

3 MR. YOUNG: Thank you. I appreciate that.

4 They said something working with spare tires, and
5 you know, I volunteered mine.

6 This particular item proposes a scope of work and
7 approval of California State University Chico Research
8 Foundation as a contractor. And I am not going to give
9 you the whole big long title, because that probably comes
10 in, like, number two in our titles as far as length goes.
11 But, basically, it's to evaluate compostable and
12 degradable products.

13 The evaluation of these biodegradable and
14 compostable alternatives to traditional practices is
15 consistent with our Board's previous activities, direction
16 from the Board at previous meetings, and is a priority for
17 many of our stakeholders. Without going over everything
18 in the item, I'll just add on some new stuff, if that's
19 all right folks.

20 There may be some confusion regarding the intent
21 and the end result of the project. Believe me, we don't
22 intend to reinvent the wheel or come up with our --
23 circumvent the work of the ASTM Committees. However, ASTM
24 6400, there was some confusion on that. It establishes
25 the requirement for labeling of materials and products

1 including, packaging made from plastics as compostable in
2 municipal and industrial compost facilities. It sets
3 forth a pass/fail test of degradation of materials within
4 180 days. As most of you are aware, this is a lot longer
5 than most composting operations that typically have
6 materials remaining on site.

7 The project that's proposed will evaluate the
8 rate of degradation in light of real world requirements of
9 composters and end users. Additionally, the contract
10 work -- even though there's a long timeframe set forth in
11 the scope, bear with me, the contract work will be
12 completed in a timely manner. We're also requiring
13 interim reports to help address some of the issues there,
14 and for the contractor to provide recommended state
15 procurement standards at the earliest opportunity. The
16 information will be used by communities to implement new
17 composting programs and to expand existing programs.

18 One of the areas that has taken on a bit of an
19 interest here is so-called degradable technologies.
20 That's an area that there is still a developing body of
21 knowledge on. This project will provide initial results
22 to identify whether these materials fully degrade or
23 simply break into smaller pieces and continue to pose a
24 threat to the environment.

25 Because we have limited moneys that we're

1 proposing in this in the scope of what we would like to do
2 versus what we have money to do, we're also in the process
3 of contacting other state entities to further fund and
4 evaluate the impact those materials may have on litter and
5 the environment, as well as being able to perform life
6 cycle analysis, which we just don't have the moneys for.

7 In order to provide a little bit of balance,
8 while there's many positive aspects to the program, we'd
9 be remiss if we didn't present any down side or potential
10 concerns. This project has a potential to involve staff
11 from not only the Plastics Section, but also the Organics
12 Section, both within the Markets Division, and also our
13 Diversion, Planning, and Local Assistance folks. Those
14 staff could be working on other projects. Additionally,
15 it involves funding things, funding this project, when
16 those moneys could be used to offset the budget shortfalls
17 or other Board appropriate projects.

18 There are two major stakeholder groups involved
19 in the compostable and degradable products that may have
20 conflicting goals and, hence, result in a lack of
21 stakeholder consensus on various aspects of the project.

22 Additionally, products identified as degradable
23 in the evaluation might -- I underline might -- actually
24 encourage the increased littering of these products. And
25 the study of the degradability in the litter environment

1 also will be -- can be problematic because of the
2 differences and the different litter environments out
3 there: Northern California, Southern, wet, dry, hot,
4 cold. But I felt we needed to let you know the down side
5 as well.

6 Funding for this \$225,000 project comes from two
7 different BCPs from this fiscal year and next. The use of
8 those uncommitted moneys would not detract from any other
9 RPPC program activities. California State University
10 Chico Research Foundation is being recommended due to our
11 previous working relationship, their expertise, and
12 abilities.

13 Dr. Joe Green -- Joseph Green is here and will be
14 available to elaborate on those abilities and expertise,
15 as well as answer any other questions you may have on the
16 technical side of things.

17 Staff is aware of only one stakeholder that has
18 raised concerns regarding the project. And in a moment,
19 Michael Leon will address those specific issues.

20 CHAIRPERSON MOULTON-PATTERSON: We do have some
21 public speakers.

22 MR. YOUNG: Hopefully, even better.

23 Finally, staff recommends that the Board approve
24 Option 1 and adopt Resolution 2004-178 and 2004-179
25 revised.

1 Are there any questions?

2 CHAIRPERSON MOULTON-PATTERSON: I don't see any
3 questions at this time Mr. Young, so we'll go right to the
4 speakers.

5 Mr. George Larson, representing America Plastics
6 Council. I'm assuming that's what APC is.

7 MR. LARSON: Yes, Madam Chair. I should have
8 written it out in full text.

9 I have a very brief comment -- actually one
10 comment and one question. Mr. Young alluded to the issue
11 of stakeholder groups. And I think there is some
12 diversity of opinion, but I think diversity is a very good
13 component to bring discussion to this particular topic.
14 So I would like to request that under the scope of work
15 under Task 3, which says -- I'll read the task, is "to
16 solicit stakeholder input and participation regarding
17 development and evaluation methodology."

18 It's very general as to what that means in that
19 description. And I would like to see some more
20 specificity that identifies specific stakeholders,
21 business interests, environmental groups, the composting
22 industry, so that we can get a uniform input from all of
23 the interested parties over the life of this contract.
24 Because the way it's written, it could be an Ad Hoc type
25 Committee, and I think you'd not get as good of input.

1 That's my request.

2 And then I'd like to just hear -- and maybe I
3 missed it and it was presented. What is the status of
4 finding the additional cofunding from other state agencies
5 or other sources? I think it was identified this is only
6 part of what staff perceives as the resources needed to
7 fully conduct this study. Thank you.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you,
9 Mr. Larson.

10 Next we have Mark Murray, Californians Against
11 Waste.

12 MR. MURRAY: Madam Chair, Mark Murray with the
13 group Californians Against Waste. Welcome new members of
14 the Integrated Waste Management Board. Look forward to
15 chatting with you on these and other issues.

16 I want to start off by apologizing to the staff.
17 We were unable to attend the last stakeholder meeting and
18 interested parties meeting where the details of this
19 proposal came up. Otherwise, we would have provided our
20 comments and concerns much earlier in that process, and
21 certainly wouldn't have maybe surprised the staff with
22 these concerns last week. So I do apologize to the staff.

23 I also want to thank Calvin for his work in the
24 plastics area all these many years and look forward to
25 working with him in the tire area. And I want to express

1 my appreciation to the Board for excusing Ms. Peace. She
2 was able to come over and help us move the RAC bill, the
3 Levine RAC bill out of the Senate Transportation
4 Committee. So thank you for all of these.

5 Now on to this issue. I think staff has
6 identified a very important problem of plastics, and
7 particularly plastics, in the marine environment. The
8 issue of degradable and compostable plastics as a
9 potential solution to that problem has been one that I
10 have been involved in and discussing and debating with
11 engineering people and folks for almost 15 years. And
12 about ten years ago, the ASTM came up with -- started
13 debating this issue, as well as testing different kinds of
14 additives and products to figure out if there was a way of
15 making plastics that would degrade in the environment.

16 After a number of false starts and false promises
17 by plastics manufacturers and additive manufacturers.
18 There may be a technology that can be added to plastic
19 products that would allow them to biodegrade in a way that
20 would make them compatible with food composting and green
21 waste composting programs. As a result of that eight
22 years of testing and dialogue and discussion, they have
23 come up with a standard.

24 Now, there are some folks, some manufacturers of
25 additives to plastics that aren't happy with that

1 standard. They would like there to be a standard for
2 degradable plastics. And they've brought that issue to
3 the attention of the Board, to staff, and frankly, I'm not
4 sure there's a solution there.

5 Recent studies show that there is the issue of
6 plastics in the marine environment that goes well beyond
7 the problem of the obvious plastics that we see in the
8 marine environment in terms of the plastic bags and the
9 sea critters getting choked and strangled by these. But,
10 in fact, there is a large accumulation of little
11 microscopic plastics parts in the ocean environment that
12 these plastics that may degrade in the environment
13 ultimately still accumulate. Mass cannot be created, nor
14 destroyed. And we have little bits of plastic. And there
15 may be some potentially even greater environmental and
16 public health impacts associated with that.

17 I'm concerned that with this proposed analysis of
18 the degradability and compostability of plastics that we
19 are reinventing the wheel. We're kind of reopening the
20 debate for something that, with all due respect, I'm not
21 sure should be the primary focuses of the Integrated Waste
22 Management Board.

23 Having said that, I think there is a very real
24 need for the Integrated Waste Management Board to focus
25 its attention of how do we make a connection between the

1 folks that have come up with this compostable plastics
2 technology for utensils and cups and plates and hook them
3 up with the folks that are doing these very innovative
4 food waste composting programs.

5 Your staff report item on this actually makes
6 references to a couple of these programs, but talks about
7 deficiencies within these programs. We would much prefer
8 to see the resources that are proposed for this study go
9 into helping make those existing pilot programs and
10 demonstration programs work. And, specifically, I'm
11 talking about the Indian Wells Food Composting Program,
12 which the staff notes they weren't doing compostability
13 testing in that. Maybe we should be doing that. Maybe we
14 should use these resources to do.

15 Also talks about what sounded like a great
16 project to look at food waste composting at California
17 Fairs. It said the project was cancelled by mutual
18 consent because of a lack of funds. I think that the
19 resources that are proposed for this study would be better
20 spent on those projects and similar demonstration projects
21 where the Board is doing what it does best, putting people
22 together to actually demonstrate the feasibility of some
23 new technology so that folks will then take it on.

24 I want to just -- in concluding, I don't know the
25 operation from Cal State Chico. May be a very fine

1 operation. I don't want my comments in opposing this item
2 to be construed in any way as criticism of that
3 organization. Don't know them. And so, again, we think
4 that this money could be better spent, better focused on a
5 demonstrate-oriented project. I understand there may be
6 some concern about wanting to encumber these fund at this
7 meeting as opposed to waiting at month. It seems the me
8 the staff has identified a couple very worthwhile projects
9 that didn't receive sufficient funding in your staff
10 report that you have before you today. I think that those
11 would be more appropriate uses of funds. Thank you very
12 much.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you,
14 Mr. Murray.

15 Mr. Paparian has a question for you.

16 BOARD MEMBER PAPARIAN: I think you just made it
17 clear at the end. I was going to clarify. So you're
18 suggesting that we do not fund this item, that we divert
19 those funds to some of the other projects that you
20 mentioned, some of which are in this fiscal year and some
21 of which are in the following year.

22 MR. MURRAY: You said that much more succinctly
23 than I. Yes.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you. We
25 have another speaker.

1 DEPUTY DIRECTOR WOHL: I don't know if you wanted
2 me to comment on that.

3 CHAIRPERSON MOULTON-PATTERSON: Yes. Would you
4 like to?

5 DEPUTY DIRECTOR WOHL: Sure. Patty Wohl.

6 I just wanted to remind this Board this is
7 plastics -- BCP dollars for plastics market development.
8 So it just gets a little more complicated when it becomes
9 a food composting project and the tie to that. So I just
10 wanted to give you that as food for thought.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you.
12 Laurie Hanson, California Bags and Film Alliance.

13 MS. HANSON: Thank you, Madam Chair. Laurie
14 Hanson. That alliance is composed of national
15 manufacturers and those that are manufacturing here in the
16 state.

17 We've been working with the staff for a long time
18 now on this issue. And they've done a great job through
19 this whole last year on identifying the issues, having
20 good discussions at the plastic round tables. We are
21 concerned, however. We saw the scope of work for the
22 first time a couple of weeks ago. We've been working with
23 them. One of our biggest concerns was to make sure that
24 the issue of litter and demonstrations were litter
25 projects was completely separate from composting because,

1 they're definitely two applications. And we do not
2 believe -- the staff did that.

3 But we did not believe that the time was ripe at
4 this point to do an in-depth study of what plastics are
5 out there that should be tested for the litter
6 environment. Those of us that lived through the 1990s
7 where all the plastic bag manufacturers were getting sued
8 every other day for making claims of biodegradability and
9 saying this is litterable, we cannot go through that
10 again.

11 And if you are going to go down the path of
12 testing these technologies, there are those companies that
13 will go outside the state of California and go to our
14 customers, and they will say, "We're degradable, and we're
15 being tested by the state of California to pass or fail
16 whether you can litter our products." That's very
17 dangerous to the manufacturers, because when they go
18 directly to the customers, the customers come back and
19 say, "You're getting approved in California. You need to
20 use this. We want you to use it. In fact we won't buy
21 your bags unless you use it." So there's so much danger
22 on the degradable part, the biodegradable.

23 Anything in the litter environment, it needs to
24 have a lot more study. And the issue of just having
25 something degrade and turn into big fragments that float

1 out in the ocean, we don't know what happens to that. We
2 don't want to get sued. And we need some very in-depth,
3 timely, thoughtful, highly scientific tests on the litter
4 part of it.

5 So while we would support some demonstration
6 programs to put to rest the issue of what works and what
7 doesn't, on the litter side, we're very hesitant to
8 support demonstration projects at this time. Thank you.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you
10 Ms. Hanson. That was the last speaker. I'm opening up to
11 Board comments, questions.

12 BOARD MEMBER MARIN: I have a couple of
13 questions.

14 CHAIRPERSON MOULTON-PATTERSON: Ms. Marin.

15 BOARD MEMBER MARIN: I'm sorry, Madam Chair.

16 I have a couple of questions, because it seems to
17 me, from the speakers that just proceeded, that one was
18 aware of this and tried to work with staff. I'm sure
19 those concerns were relayed to staff, and staff is still
20 recommending we go ahead with this.

21 The previous speaker said, I'm sorry to come in
22 very, very late, but we're opposed to what you're doing
23 and you should use the money somewhere else.

24 You know, while I'd certainly love to have all
25 the time in the world to get as much input as possible

1 from everybody, the reality is that sometimes we don't
2 have that. It's a luxury we do not have. And my concern
3 is -- and maybe I'm wrong, but please let me know. Unless
4 we move ahead with this money that we have, if we do not
5 allocate them right now, would we have a problem? Don't
6 we have fiscal year concerns? We need to allocate it,
7 otherwise somebody else across the street may be able to
8 use it for something else. Enlighten me on that.

9 DEPUTY DIRECTOR WOHL: Patty Wohl.

10 The \$75,000 is out of this fiscal year. So if
11 that is not encumbered, that portion will be lost. The
12 remainder could be, you know, reallocated or allocated for
13 the first time next year. Maybe I'll just comment on your
14 other couple questions.

15 I think -- my opinion is that we have been
16 working with both of these stakeholders. I think
17 Californians Against Waste mentioned that they sort of
18 dropped the ball. They were sort of in support, and that
19 changed just recently. And I think with Laurie Hanson
20 we've actually been working with them. We had a meeting
21 and modified this scope of work to meet their concerns.
22 So this is new to me, too, just today. So from that
23 perspective I feel like we have supported them.

24 I think we mentioned that this came out of the
25 Food Summit. This came out of the White Paper Report.

1 This has been many, many stakeholders' input to say this
2 is the next step for this issue.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you.

4 Mr. Paparian, did you wish --

5 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

6 I'm going to support the Californians Against
7 Waste position and vote no on this scope of work at this
8 time, with all respect to the great work that our staff
9 does on these issues. I think we ought to look at the
10 ASTM options that are out there as CAW has outlined and
11 look at some of the potential alternatives for the use of
12 these funds through the demonstration projects.

13 CHAIRPERSON MOULTON-PATTERSON: Thank you.

14 Ms. Mule.

15 BOARD MEMBER MULE: Thank you, Madam Chair.

16 I just have a question for Patty. I guess, in
17 reading through all of this, I'm just surprised that there
18 hasn't been studies already done. So that's my question,
19 is what's already been done? What's already out there?
20 And, you know, maybe we can revise the scope of work and
21 do a literature search, utilize that \$75,000, and do that
22 portion of it. And then based on that, and seeing what's
23 already been done and already out there, then we can
24 proceed with Phase 2 of the study, if you will. And,
25 again, this is just from what I've been reading and from

1 the thoughts I've had on this.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you very
3 much.

4 Ms. Peace.

5 BOARD MEMBER PEACE: I guess I'm also concerned
6 about what it is -- why this study would be more credible
7 or do more than what the studies that the ASTM have
8 already done. I like Rosalie's suggestion that maybe we
9 look into all the research that's already been done, and
10 maybe next year use that money -- the rest of the money to
11 actually have some demonstration projects that would
12 encourage the utilization of compostable plastics meeting
13 the ASTM standards or whatever else we found out in the
14 Food Waste and Green Waste Composting Project.

15 I'd like to see money go to a research and
16 demonstration project, like the State Fair, where we would
17 encourage them and give them money maybe to use the
18 compostable utensils and see during the State Fair, if by
19 doing that it would pay for itself by reducing their food
20 waste cost as a way to encourage that or, you know, and
21 maybe incorporating it. Or how does the Fair goer respond
22 to being asked to recycle, and what kind of response they
23 get. I'd like to see some of the money go to something
24 like that.

25 PLASTICS RECYCLING TECHNOLOGY SECTION SUPERVISOR

1 LEAON: Madam Chair, may I respond to some of the issues
2 that have been raised?

3 CHAIRPERSON MOULTON-PATTERSON: Yes. Your name
4 for the record.

5 PLASTICS RECYCLING TECHNOLOGY SECTION SUPERVISOR

6 LEAON: This is Michael Leao, Supervisor to the Plastics
7 Recycling Technology Section.

8 Through this scope of work and contract, we can
9 do demonstrations along the lines that have been proposed.
10 Part of what we would like to do is bring potential
11 partners to our round table to identify other state
12 agencies or local governments that would like to partner
13 with us to do the very demonstrations that are being
14 proposed. That's what the funding is earmarked for.

15 In regard to the ASTM 6400 specification, that
16 lays out a 180-day pass/fail for compostable products.
17 One of the things we want to look at in evaluating
18 compostable products is their actual performance in a
19 compost environment. We want to ensure that we provide
20 information to local governments, state agencies about
21 what products will actually work within the various types
22 of composting facilities that are permitted throughout the
23 state. That's an important distinction. We're looking at
24 product performance in the compost environment. We are
25 not trying to develop ASTM specification or replacement or

1 amendment to that specification. That's not the intent of
2 this scope of work.

3 The scope of work also calls for a literature
4 research. That's one of the first tasks. So I would
5 encourage that the Board consider at least funding the
6 first three tasks, using the \$75,000, if there's no
7 support for funding the full scope of work at this point.
8 Allow us to work with the stakeholders and report back to
9 you at a future Board meeting regarding the balance of the
10 scope of work. Certainly, it was our intent to work with
11 the stakeholders in developing a very detailed work plan
12 that accomplishes many of the things that are being
13 discussed today.

14 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

15 So Mr. Leason, you're suggesting that if the
16 Board's not going to approve the whole thing, you'd like
17 to see the first three tasks, is that what you said?

18 PLASTICS RECYCLING TECHNOLOGY SECTION SUPERVISOR

19 LEASON: Yes.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you.

21 Ms. Marin.

22 BOARD MEMBER MARIN: I actually have no problem
23 approving the 178 and 179. I have no problem with that.

24 What I wanted to understand, this is as a result
25 of a study already, the White Paper that suggests that we

1 need to do this, if I understand, if I read the White
2 Paper. This is --

3 PLASTICS RECYCLING TECHNOLOGY SECTION SUPERVISOR

4 LEAON: Yes.

5 BOARD MEMBER MARIN: This is in response to that,
6 which has already been approved by the Board.

7 PLASTICS RECYCLING TECHNOLOGY SECTION SUPERVISOR

8 LEAON: That is correct. So this scope of work actually
9 supports previous Board actions in adopting
10 recommendations out of the plastic White Paper, which
11 identified supporting new technologies, including
12 degradable and biodegradable plastics. Similar
13 recommendation was included in the polystyrene report.
14 And also feedback we've received from stakeholders at the
15 Food Summit, who are asking for this type of information
16 to be made available to them to better enable them to make
17 decisions on which products are going to work for them,
18 depending on their application on the project they intend
19 to implement.

20 So we feel that this project will actually help
21 facilitate implementation of new and expanded programs on
22 food waste and green material and use of compostable bags
23 and RPPCs and utensils.

24 BOARD MEMBER MARIN: Okay. So by approving
25 this -- and, you know, I'm very sensitive. I know

1 oftentimes -- and I made this comment to some people on
2 the staff. Oftentimes, we asked about what the fiscal
3 impact of our actions are. And the answer that we usually
4 get is what the fiscal impact to the Board is. But I'm
5 extremely sensitive when we are going to have any kind of
6 standard or regulation or mandate that we also consider
7 the stakeholders. And I don't know whether any of that
8 will be part of this at all. I think we need to be very,
9 very careful.

10 I know that we have a law that we have abide by.
11 And this Board, you know, needs to make sure that the laws
12 that the Legislature has passed, that those laws are
13 respected and that we all abide by them. But I think we
14 do need to be cognizant. And I know there may be some
15 concerns regarding the scope of work if this is going to
16 end up in a mandate that would be financially disastrous
17 to a particular industry that there would be some of those
18 concerns.

19 What I want to make sure, Mr. Leason, is that we
20 bring those people that will be really stakeholders on
21 this, that we make them part of that. That, jointly, we
22 find the solutions that we need to ensure that our mandate
23 is fulfilled. But I would have no problem, Madam Chair,
24 to advance both 178 and 179.

25 CHAIRPERSON MOULTON-PATTERSON: Okay. I just

1 have one comment. And then if you want to make the
2 motion, we can see how it goes.

3 One thing in response to what you said, and I
4 certainly agree with you. But I just want to note I've
5 been on a School Board, a City Council, the Coastal
6 Commission, and I have never seen a Board that has
7 involved their stakeholders more than this one, I want to
8 assure you. I think our staff is so sensitive to that and
9 does such a good job. They certainly have their say. And
10 I just wanted to make that comment. And now if you would
11 like to makes some motions, that's fine.

12 BOARD MEMBER MARIN: Madam Chair, I'd like to
13 make a motion of approval of Resolution 2004-178 and 179
14 revised.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.

16 Do we have a second?

17 No. Okay.

18 CHAIRPERSON MOULTON-PATTERSON: Ms. Peace.

19 BOARD MEMBER PEACE: What was the other
20 suggestion that you had? Can you go over that again, how
21 would we change this?

22 PLASTICS RECYCLING TECHNOLOGY SECTION SUPERVISOR

23 LEAON: We have to encumber \$75,000 today. And my
24 suggestion was if there wasn't support to move the full
25 scope of work, that we encumber those 75,000 for the first

1 three tasks and the scope of work. That would be develop
2 plan and budget, conduct a literature research, and
3 solicit stakeholder input and participation regarding the
4 evaluation methodology.

5 DEPUTY DIRECTOR WOHL: So it's what's on page 3
6 of your Board item. I think it does what Rosalie was
7 asking.

8 PLASTICS RECYCLING TECHNOLOGY SECTION SUPERVISOR
9 LEAON: I should amend that to also report back to the
10 Board at a future meeting regarding the rest of the scope
11 of work and report the stakeholder feedback.

12 CHAIRPERSON MOULTON-PATTERSON: Okay. Ms.
13 Peace -- are you thinking about that, Ms. Peace, because
14 Mr. Paparian wanted to speak.

15 Mr. Paparian.

16 BOARD MEMBER PAPARIAN: I'd like to hear some
17 reaction from some of the people who are concerned about
18 the last one. But my quick reaction is Task 3 seems to be
19 the beginning of the next Tasks 4, 5, and 6. And, you
20 know, given the concerns that have been raised, what I
21 would prefer, if there was a Task 3, it would be to
22 solicit stakeholder input and participation regarding
23 various options for next steps on this issue, rather than
24 actually going forward and developing the methodology,
25 and, therefore, sort of making a presumption that Tasks 4,

1 5, and 6 would actually take place. But I'd be interested
2 if there's some response from some of the stakeholders on
3 that as well.

4 CHAIRPERSON MOULTON-PATTERSON: Yes. And we can
5 call on them. And I'll call on Mr. Murray.

6 I'm very conflicted about this one. I don't like
7 these when they come to us at the very end, and we're not
8 be able to spend the money or we're going to lose it or
9 it's going to go back into another fund or whatever.
10 However, I'm just not sure how I'm going to vote on this
11 one.

12 But I do have a question before I call on
13 Mr. Murray. Is the Cal State Chico person here to maybe
14 explain? Let's have Mr. Murray respond, and then maybe we
15 can hear from you on your ideas on this.

16 PLASTICS RECYCLING TECHNOLOGY SECTION SUPERVISOR
17 LEAON: Our principle researcher is Dr. Green from Chico.

18 CHAIRPERSON MOULTON-PATTERSON: Let's have Mr.
19 Murray respond to Mr. Paparian's question.

20 MR. MURRAY: Madam Chair, I think Task 4, the
21 idea of doing the literature search, which is specific
22 task item in that, as Mr. Mule has suggested, is an
23 appropriate step that can be taken and to potentially do
24 today to encumber those funds.

25 I also like the suggestion Ms. Peace made

1 regarding the idea of demonstration projects. This is an
2 issue that I think we've already studied a great deal.
3 It's been studied a great deal. I think the literature
4 research will demonstrate that. I think it's time for
5 this Board to move to action. That's why I'm thinking the
6 idea of spending some of these resources on actual
7 real-life demonstration projects is what your
8 stakeholders, local government stakeholders, composting
9 stakeholders are looking for you to do. So just those
10 two.

11 CHAIRPERSON MOULTON-PATTERSON: Since we are
12 meeting tomorrow, I guess if we needed to have some extra
13 time, we could continue this until tomorrow. I mean, I
14 still have a lot of unanswered -- I'm not going to ask you
15 to come back, Dr. Green. I'm going to let you speak.
16 Maybe that's not the way to go. But, you know, if there
17 are some ways that we can change things, I mean, you know,
18 if we don't have the votes maybe we need to do that.

19 But why don't I give Dr. Green a chance to speak
20 on what he foresees in the project.

21 DR. GREEN: Madam Chair, members of the Board, I
22 appreciate the opportunity to talk to you at this time.
23 I'm a professor at Cal State Chico. I've been there six
24 years. Formerly, I was an engineer at General Motors. I
25 left Detroit. So I've been in plastics 20 years. I love

1 plastics research. It's my pleasure to work with
2 California.

3 I've been promoting plastics for 20 years. Now
4 I'm seeing the fruit of that labor. It's the fifth
5 largest industry now in the United States. It's a huge
6 industry. And I think the United States is a leader in
7 plastics. However, we have a problem, the problem of
8 plastic waste. And it's encompassing a lot of our
9 landfills today.

10 I've been working with the Board in the last year
11 on a recycling initiative to help dramatically improve
12 recycling, and we're doing that. And I would like to talk
13 to you somewhat about the biodegradable plastics. And
14 I've been doing this a year now, so I'm new to this. I'm
15 not an expert in this. However, I'm working with the
16 experts in the field on this area. So it's nice to be in
17 a new area, because you can ask a lot of questions.

18 What I'm finding is that it's not as clear cut as
19 the regular plastics industry. There are problems in the
20 community. We disagree on several things on
21 biodegradability. In fact, things that we're disagreeing
22 on now is the definition of biodegradable. There's
23 actually two types: One is biodegradable, and one is
24 oxodegradable. And the ASTM 6400 standard addresses the
25 first one, which is biodegradable, which is biopolymers,

1 corn starch based terms. And second one, the
2 oxodegradable materials, are not that. They're
3 polymer-based materials. But they have additives to them
4 that help them degrade.

5 Unfortunately, that degradability takes longer
6 than 100 to 800 days. Therefore, the part two, which is a
7 brand new material introduced probably a couple years ago,
8 just now a new product coming in, versus the 99 standard
9 and 6400 -- so if you mandate 6400, you eliminate the
10 latest technology that we have just started developing.
11 So I think even though we have -- ASTM is a fabulous
12 organization, of which I do the ASTM standard.

13 But much like at GM where we did have ASTM
14 standards, we didn't design cars to that. We used it as
15 guidelines to help us improve the standards to make it a
16 car that works for GM. I think this is better -- exactly
17 what we're doing here. We're make taking the standards of
18 ASTM and we're taking on the latest technologies, like in
19 the oxodegradability, and they may not work. We don't
20 know. Biodegradable materials don't work very well for
21 particular products.

22 This new material does work better in some cases,
23 but there is confusion. And there is work that needs to
24 get done. And we're pledging our research at Chico State,
25 or CSU Chico, to do this. That's the number one and two

1 things I do in research at CSU Chico is degradable
2 plastics and recycled plastics. That is what we do.
3 I just received a half-million dollars from the
4 Department of Labor to upgrade the equipment and test
5 facilities at Chico State to address this issue, my
6 research, as well as teaching. So I will pledge to you
7 that work that we do at Chico, as well as we are working
8 with the organization that provides meals. The student
9 union has agreed to actually work with me on using these
10 products in the small test cases that we will offer to do
11 as well on this project at CSU Chico. What we're looking
12 for is to define it better, take some of the confusion
13 out. We're independent. My salary doesn't come from
14 this. But I need to support the industry by making it
15 smarter and more usable environment.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you so
17 much, Dr. Green. I really appreciate that explanation.
18 I'm very fond of CSU Chico. I have a daughter who
19 graduated from there. I know you do fine work.

20 I think, given the discussion and everything, we
21 will go ahead and continue this until tomorrow, look at
22 it, look at some different alternatives. And I think we'd
23 be better served that way. Thank you.

24 That brings us back to Item 12, Ms. Wohl.

25 DEPUTY DIRECTOR WOHL: Yes. Agenda Item 12 is a

1 Discussion of Progress in Promoting Through the Reuse
2 Assistance Grants Program.

3 This program has been in effect since 1999, and
4 we thought this was an opportunity to highlight our
5 successes and tell you a little bit about the grants that
6 the program has put in place.

7 So with that, I'll turn it over to Sarah Weimer.

8 MS. WEIMER: Good morning -- or, actually, it's
9 afternoon now. Good afternoon, Madam Chair and Board
10 members. Sarah Weimer with the Reuse Assistance Grants
11 Program of the Waste Prevention Market Development
12 Division.

13 The purpose of this item is to provide the Board
14 with background information on the Reuse Assistance
15 Grants, RAGS, Program and provide an overview of the
16 progress reviews that has occurred through the grants
17 program. I will present project summaries of all the
18 grant projects funded with the reuse assistance grants.

19 I have a Power Point presentation to go along
20 with this. Are you able to see it on the screen?

21 CHAIRPERSON MOULTON-PATTERSON: Yes. We're able
22 to see it.

23 (Thereupon an overhead presentation was
24 presented as follows.)

25 MS. WEIMER: The Reuse Assistance Grants Program

1 is an annual competitive program that Board developed to
2 establish and enhance reuse activities at the local public
3 agency level. It was established in 1999 when the Board
4 secured an annual expenditure authority of \$250,000
5 through BCP Number 5.

6 --o0o--

7 MS. WEIMER: The Fiscal Year 1999-2000 offering
8 kick-started the RAGS Program. And to date, 31 projects
9 have been awarded.

10 --o0o--

11 MS. WEIMER: Local governments that have the
12 responsibility of achieving AB 939 are eligible to apply
13 for a grant. And partnerships with non-profits or
14 businesses are encouraged to achieve the project's goals.

15 --o0o--

16 MS. WEIMER: For the purposes of the RAGS
17 Program, reuse is defined as using the material over again
18 in its current form, without any significant processing
19 that would alter its material structure. For example,
20 reusing lumber as lumber, rather than milling logs into
21 lumber, and reusing food as human food, rather than
22 composting the food. With the limited funding
23 availability, the RAGS focuses on reuse projects rather
24 than including recycling projects as eligibles projects.

25 --o0o--

1 MS. WEIMER: Information about current and past
2 RAGS recipients is maintained on the Board's website and
3 includes project summaries, award amounts, contact
4 information, and progress reports.

5 --o0o--

6 MS. WEIMER: Here's a look at the website. As
7 you can see, it lists the joint offering, the most recent.
8 And it continues down with all the archives of the
9 previous grant offerings.

10 --o0o--

11 MS. WEIMER: It lists the grant recipients as
12 well as the award amounts --

13 --o0o--

14 MS. WEIMER: -- and project summaries and contact
15 information for each grant.

16 --o0o--

17 MS. WEIMER: Here's an overview of the grants
18 that have been awarded by jurisdiction --

19 --o0o--

20 MS. WEIMER: -- and a review of the number of
21 project types. As you can see, the Materials Exchange
22 Programs constitute the majority of projects that have
23 been funded, with C&D reuse projects following a close
24 second.

25 --o0o--

1 MS. WEIMER: And overview of the number of
2 applicants that we've had for each offering. As you can
3 see, it's pretty much increased throughout each offering.

4 --o0o--

5 MS. WEIMER: And an overview of the funds
6 available versus the funds that have been requested. And
7 as you can see, with the exception of the first year, the
8 amount of requested funds have greatly exceeded the amount
9 of funds available.

10 --o0o--

11 MS. WEIMER: I will now briefly describe each
12 project that we've been able to fund. The numbers shown
13 are the amounts awarded, and grantees provide a similar
14 amount as a match.

15 --o0o--

16 MS. WEIMER: For the Fiscal Year 99-2000
17 offering, the city of Redding received \$31,700 to expand
18 its existing reuse drop-off area.

19 San Joaquin County received \$23,500. They
20 developed an educational outreach program to encourage
21 reuse.

22 --o0o--

23 MS. WEIMER: Tehama County Sanitary Landfill
24 Agency was awarded \$25,000. This is the only recipient
25 that declined their grant due to unforeseen conflicts.

1 Funds were to be used to construct a building to expand a
2 Material Exchange Program.

3 Ventura County received \$43,500. They promoted
4 the Habitat for Humanity Restoring the County through
5 newspaper and phone book advertisement and a billboard.
6 The Restore now diverts over 209 tons of C&D materials
7 annually.

8 --oOo--

9 MS. WEIMER: For the Fiscal Year 2000-2001
10 offering, the city of Arcada received \$50,000. They
11 expanded the Nonprofit Arcada Community Recycling Center's
12 Reusable Depo Facility.

13 The city of Lomida received \$50,000. They
14 partnered with the nonprofit Food Finders to enhance their
15 Food Rescue Program. From April 2001 to April 2003, they
16 were able to collect over 206 tons of food, which amounted
17 to 881,000 meals served to the needy.

18 --oOo--

19 MS. WEIMER: The city of Los Angeles received
20 \$45,000. They expanded the nonprofit L.A. Shares outreach
21 to the business community to channel business discards to
22 nonprofit and educational organizations. The grant was in
23 addition to a direct grant provided by the Board in 1999.

24 Del Norte Solid Waste Management Authority
25 received \$48,000. They created construction drawings and

1 specifications for the Resource Recovery Parks Reuse
2 Center. They were also able to procure an energy
3 efficient refrigerator for a food bank.

4 --o0o--

5 MS. WEIMER: Sacramento County received \$50,000.
6 They were able to establish a Habitat for Humanity Restore
7 here in Sacramento.

8 And UC Berkeley received \$28,000. They created a
9 Materials Exchange Program on campus that was run by paid
10 student interns.

11 --o0o--

12 MS. WEIMER: For the Fiscal Year 2001-2003
13 offering, the city of Los Angeles received \$50,000. They
14 partnered with Kenter Canyon Charter School and LAUSD to
15 replace the school's small inadequate library. They
16 received a donation of a 1600 square foot California
17 Craftsman style house that was built for the movie, "Life
18 as a House" and slated for demolition.

19 --o0o--

20 MS. WEIMER: With grant funds, they were able to
21 disassemble and catalogue the house's parts and
22 reconstruct the house on the school's property as their
23 new library. And I had the opportunity to tour that back
24 in April, and I have to tell you it was fantastic.

25 --o0o--

1 MS. WEIMER: The city of Modesto received \$24,000
2 to develop, for all Modesto businesses, a quarterly
3 newsletter to promote reuse.

4 The city of Napa received almost \$39,000. They
5 reformed, expanded, and promoted Napa Max, a materials
6 exchange program.

7 --o0o--

8 MS. WEIMER: The city of Porterville received
9 \$23,600. They purchased tools to enhance the Porterville
10 Developmental Center's furniture reuse program, and they
11 now reuse over 48 tons of materials annually.

12 The city of San Jose received 50,000. They
13 enhanced the nonprofit resource area for teachers, RAFT,
14 reuse activities, and increased the number of teachers
15 utilizing RAFT services from 4,000 to 5,650 by the end of
16 the grant term.

17 --o0o--

18 MS. WEIMER: El Dorado County received almost
19 \$50,000. They expanded El Dorado County's Habitat for
20 Humanity Restore. And from April 2002 to February 2004,
21 they received 342 donations, which amounted to over
22 323,000 pounds of C&D materials that were suitable for
23 sale.

24 --o0o--

25 MS. WEIMER: Kern County received \$40,000. They

1 established an e-waste reuse program for businesses to
2 donate dated electronics to the nonprofit Merit
3 Corporation. They refurbished through the course of the
4 grant 1,050 computers and 1500 monitors and 50 printers.

5 --o0o--

6 MS. WEIMER: Sonoma County received \$36,000.
7 They partnered with Garbage Reincarnation, Incorporated,
8 to in create an educational reuse showcase and related
9 workshop series to complement reuse building at the
10 Central Landfill. They organized donated materials and
11 volunteers to build a rustic facade for the building.

12 --o0o--

13 MS. WEIMER: They constructed and staffed a 20 by
14 30 food reuse education center, employed used materials in
15 all aspects of construction. They were able to acquire
16 from scrap artists samples of creative projects using
17 discarded materials, and conducted workshops on employing
18 used building terms in all aspects of construction.

19 --o0o--

20 MS. WEIMER: From June 2000 to March 2004, the
21 daily visitor count increased. The initial daily user
22 count was 150 vehicles. One month after the grand
23 opening, it increased to 170 vehicles. The sales also
24 increased. Initially, they received about \$560 per week.
25 And at the end of the grant term, they were up to \$770 per

1 week.

2 --o0o--

3 MS. WEIMER: For the Fiscal Year 2002-2003
4 offering, the city of Oakland received \$50,000. They are
5 partnering with the nonprofit Community Woodworks to
6 increase lumber reuse.

7 The city of Santa Barbara received \$46,000. They
8 are targeting the entire community with the reuse
9 campaign. The city of Santa Clarita received \$49,000 to
10 upgrade the Santa Clarita Valley Swap, a materials
11 exchange program, and creating a food waste donation
12 program.

13 --o0o--

14 MS. WEIMER: Nevada County received almost \$5,000
15 from this offering. They received the remainder of their
16 award from the 03-04 offering. They are designing,
17 constructing, and promoting a C&D reuse facility. San
18 Luis Obispo County received \$50,000. They are relocating
19 their existing Habitat for Humanity Restore, as its lease
20 was terminated.

21 --o0o--

22 MS. WEIMER: West Contra Costa Waste Management
23 Authority received \$49,000. They are reusing e-waste in
24 job training and education programs.

25 The city of Arcada received \$29,000. They are

1 partnering with the nonprofit Arcada Endeavor to reclaim
2 and redistribute eatable food.

3 The city of Lakewood received \$43,600 to divert
4 810 tons annually of their bulky item collection donations
5 to reuse facilities.

6 --o0o--

7 MS. WEIMER: The Fiscal Year 2003-2004 offering,
8 Kern County received \$8,000. They are enhancing an
9 e-waste reuse program for businesses and residents to
10 donate dated electronics to the thrift store network.

11 Marin County received \$37,700. They are creating
12 and advertising Marin Max, a web-based materials exchange.

13 Nevada County received \$45,000 from this
14 offering. As I mentioned, they received \$5,000 from the
15 previous offering. They are designing and constructing
16 and promoting a C&D reuse facility.

17 --o0o--

18 MS. WEIMER: Santa Cruz County received \$46,000.
19 They are refurbishing and distributing e-waste and
20 upgrading the Pro Max materials exchange.

21 Ventura County received \$49,000 to support
22 Ventura County's Habitat for Humanity Restore.

23 --o0o--

24 MS. WEIMER: The RAGS Program has resulted in
25 \$1.2 million being awarded by the Board, and over \$3.6

1 million provided by the grantees and eligible matching
2 funds for the grant projects. The grant projects are
3 often part of a larger project that this Board helped to
4 achieve. So as you can see, a little money from the Board
5 goes a long ways.

6 --o0o--

7 MS. WEIMER: To date, 31 projects have been
8 awarded that are well established and enduring and divert
9 key priority materials, including e-waste, C&D materials,
10 and food.

11 --o0o--

12 MS. WEIMER: There are numerous measures of
13 success. For example, tons diverted, dollars saved, jobs
14 created, people served, children educated. But by any
15 measure, it's clear that the RAGS funds have been well
16 spent by the Board.

17 At this time I'd like to invite any questions
18 that you have.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you for
20 that excellent report. We appreciate it.

21 Mr. Washington.

22 BOARD MEMBER WASHINGTON: Not so much any
23 questions I'd like to congratulate Sarah and her staff for
24 doing such an excellent job. I participated in a couple
25 of these events, but I didn't know you guys stretched

1 across the board like you did in all areas and all facets.
2 You kind of dug in across the state of California, which
3 is absolutely great to see the recourses going that way.
4 And in everything else, we've diverted stuff from going to
5 our landfills. And I want to congratulate you on the job
6 well done.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you very
8 much. Item -- did you have a comment.

9 BOARD MEMBER PEACE: I was going to also say
10 great job. And I was also very happy to hear that the
11 programs that were started with this grant money continue
12 on after the end of the grant cycle. That's great. Thank
13 you.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you. Okay.
15 On to -- since it's after 5:00, and we still have Number
16 13 and 16. So Number 13.

17 DEPUTY DIRECTOR WOHL: Agenda Item 13,
18 Consideration of Adoption of Proposed Regulations for the
19 Recycling Market Development Zone Designation Process.

20 And Raffy Kouyoumdjian will present.

21 MR. KOUYOUMDJIAN: Good afternoon, Madam Chair --

22 CHAIRPERSON MOULTON-PATTERSON: Good afternoon.

23 MR. KOUYOUMDJIAN: -- and Board members. My name
24 is Raffy Kouyoumdjian. I'm here to present Item 13.

25 In September of 1991, the Board approved the

1 original regulations package, and they became effective in
2 October of 1991, regarding the RMDZ Program redesignation
3 process. Over the years, as RMDZs went through the
4 redesignation process for expansion or renewal, it became
5 apparent that it was cumbersome, duplicative, and time
6 consuming for the zone administrators.

7 Specifically, the need to streamline the process
8 was necessary. Additional regulations were needed to
9 address specific situations. There was a need for
10 clarification of specific terms. There was a need to
11 eliminate certain redesignation categories and add new
12 ones. And there was a need to reduce timelines for
13 submitting and reviewing of information.

14 During the process of developing and revising the
15 current regulations, zone administrators were provided
16 with draft regulations on July 7th, 2003, for the first
17 time for their review and comments prior to the beginning
18 of the formal rule-making process.

19 The formal process began in November 2003, and
20 zone administrators, as well as interested parties, were
21 provided with the proposed revisions for review and
22 comment. During the 45-day comment period in February
23 2004, one multi-part comment was received from the
24 Department of Finance seeking clarifications to the
25 proposed new Section 17913.5 regarding the process to end

1 a zone designation. Board staff officially responded to
2 the comments and addressed the Department of Finance's
3 concerns.

4 Subsequently, the Department of Finance approved
5 the economic and fiscal impact statement, also known as
6 Form 399. The comments and responses are included in the
7 agenda item before you. No other written or oral comments
8 were received.

9 Staff recommends that the Board approve Option
10 Number 1 and adopt Resolution Number 2004-177. Should you
11 approve the proposed revised regulations today, Program
12 staff will prepare the final rule-making file and submit
13 to Office of Administrative Law for review, 30 days. The
14 regulations will become effective upon their filing with
15 the Secretary of State. I'd like to thank the Board's
16 Legal Office for their guidance and assistance.

17 This concludes my presentation. And I am open
18 for questions.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you very
20 much.

21 Any questions?

22 Ms. Peace.

23 BOARD MEMBER PEACE: With that, since there are
24 no questions, I'd like to move Resolution 2004-177,
25 Consideration of Adoption of Proposed Revisions to the

1 Regulations for the Recycling Market Development Zone
2 Designation Process.

3 BOARD MEMBER PAPARIAN: Second.

4 CHAIRPERSON MOULTON-PATTERSON: Motion by Ms.
5 Peace, seconded by Mr. Paparian.

6 Please call the roll.

7 SECRETARY WADDELL: Marin?

8 BOARD MEMBER MARIN: Aye.

9 SECRETARY WADDELL: Mule?

10 BOARD MEMBER MULE: Aye.

11 SECRETARY WADDELL: Paparian?

12 BOARD MEMBER PAPARIAN: Aye.

13 SECRETARY WADDELL: Peace?

14 BOARD MEMBER PEACE: Aye.

15 SECRETARY WADDELL: Washington?

16 BOARD MEMBER WASHINGTON: Aye.

17 SECRETARY WADDELL: Moulton-Patterson?

18 CHAIRPERSON MOULTON-PATTERSON: Before we start

19 Item 16, we have no speaker slips on 17, do we? So we
20 will definitely be hearing 17 in the morning. I didn't
21 think we would, but I just wanted to make sure.

22 Okay. Agenda Item 16.

23 DEPUTY DIRECTOR WOHL: Agenda Item 16,
24 Consideration of Requests by Plastic Trash Bag
25 Manufacturers for Exemption for the Inability to Obtain

1 Sufficient Quality or Quantities of Recycled Plastic
2 Postconsumer Material to Demonstrate Compliance for the
3 2003 Reporting Period for: Glad Products Company; Pactiv
4 Corporation; Poly America, LP; and Trans Western Polymers,
5 Inc.

6 And Neal Johnson will present.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 (Thereupon an overhead presentation was
9 presented as follows.)

10 MR. JOHNSON: Good afternoon, Madam Chair, ladies
11 and gentlemen.

12 This item deals with a request by the four
13 manufacturers Ms. Wohl just recited who have requested an
14 exemption from the --

15 --o0o--

16 MR. JOHNSON: I'm trying to move it to the next
17 slide.

18 The plastic trash bag law basically requires
19 manufacturers of plastic trash bags sold in California
20 that are both "regulated bags," meaning they're greater
21 than .7 millimeter thickness, to use 10 percent
22 postconsumer material on average in the bags they produce
23 or 30 percent in all products, or demonstrate that there
24 is a lack of sufficient quality of postconsumer material
25 to meet the standards. These four manufacturers have

1 requested an exemption from that postconsumer resin
2 requirement.

3 --o0o--

4 MR. JOHNSON: And the four manufacturers are Glad
5 Products, Trans Western Polymers, Poly America, and Pactiv
6 Corporation.

7 --o0o--

8 MR. JOHNSON: The Board has both in regulations
9 and its previous deliberations established policy for what
10 constitutes an exemption. One is a demonstrated lack of
11 sufficient postconsumer resin. Two, demonstration of
12 reasonable efforts made by the manufacturer to obtain and
13 use that postconsumer resin. And then, finally, looking
14 at the degree of compliance and the amount of postconsumer
15 resin used in bags.

16 Next.

17 --o0o--

18 MR. JOHNSON: We had -- and I'll quickly go
19 through the three. Glad, who has come before -- has been
20 in several of these certifications. Glad basically, last
21 year in 2003, used only six tons of postconsumer material.
22 But starting in the latter part of 2003, took, I think, a
23 much more aggressive approach to testing samples and
24 eventually modifying its production process to incorporate
25 postconsumer resin and are still looking for more

1 material.

2 --o0o--

3 MR. JOHNSON: Poly America, a major manufacturer,
4 actually by tonnage the largest of the ones selling in
5 California, used over 1,000 tons of postconsumer material,
6 which also brought it to 4.3 percent. It dealt with a
7 number of manufacturers. Poly America is one of those who
8 actually processes the material in the pellets, as opposed
9 to others who buy pellets. And particularly why we're
10 recommending approval is they have entered into a secure
11 long-term contract for postconsumer resin going into the
12 future.

13 --o0o--

14 MR. JOHNSON: Trans Western Polymers, another
15 California-based company -- well, not using that much, 60
16 tons last year. Really in the Strategic Plan starting in
17 early 2000 -- late 2002, early 2003, looked for consistent
18 supply and eventually upgraded its equipment, modified its
19 processing, and, again, also has entered into a long-term
20 supply arrangement with a major national supplier, which
21 we think will bring them towards compliance in either 2004
22 or 2005.

23 Next.

24 --o0o--

25 MR. JOHNSON: And then finally we have Pactiv,

1 which is another manufacturer of manufacturers, probably
2 most notably the Hefty brand. They were granted an
3 exemption last year. In 2003 used 130 tons of
4 postconsumer material, which only got them to 2.5 percent.
5 They purchased postconsumer material and actually did the
6 processing of the pellets, from which the bags are finally
7 made. They have tested a number of samples and rejected
8 some from several suppliers. They focused on the Renew
9 brand, which uses a significant amount of postconsumer and
10 other recyclable material.

11 And next slide.

12 --o0o--

13 MR. JOHNSON: And the staff have recommended
14 Option 1, which was to approve the exemptions for Glad
15 Products, Poly America, and Trans Western. And those
16 three, which are Resolution 181, 183, 184, we're asking
17 your approval of.

18 Pactiv, we are recommending no action, because
19 within the last week we have had some discussions with --
20 additional discussions with Pactiv indicate that
21 information that was material to a determination did not
22 get supplied to us. And we have agreed that we will try
23 to work with them to resolve that potential difference in
24 documentation and what actions are taken. And so at this
25 time, we're recommending no action on that, and plan to

1 come back probably at the August Board meeting with a
2 determination on that corporation.

3 With that, I thank you. And I'm open to
4 questions.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you very
6 much.

7 Questions?

8 Mr. Paparian, then Mr. Washington.

9 BOARD MEMBER PAPARIAN: Yes. Yeah. Thank you,
10 Madam Chair.

11 I'm somewhat a reluctant supporter of the
12 recommendation here. The reason is we've got -- 23 got a
13 nonrecognizable name, manufacturers, who are able to
14 comply and come up with 5800 tons of postconsumer material
15 used. And then you have the four or five name
16 manufacturers who are household names, unable to do it and
17 only able to come up with somewhere between 12- and 1600
18 tons of postconsumer material. You know, despite, you
19 know, all their efforts, I think they ought to be able to
20 do more, and they ought to be able to comply with the law.
21 And I think we're going to continue to have to hold their
22 feet to the fire to ensure in future years they start
23 using a lot more of this material and come closer to
24 complying with the law or actually comply with the law.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you,

1 Mr. Paparian.

2 Mr. Washington.

3 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

4 Just for -- I'm trying to remember. I think this issue
5 came up. Let me ask you, how many times do we offer
6 exemptions to companies? Because I've seen this before;
7 is that correct?

8 MR. JOHNSON: Well, the certification is an
9 annual process.

10 BOARD MEMBER WASHINGTON: So yearly?

11 MR. JOHNSON: Annual process of demonstrating
12 compliance or not or requesting exemptions. If you go
13 back through, I believe, 1997 or '98 was the first year we
14 were -- manufacturers required or at least we have records
15 back of certifications. We've had one or two, three or
16 four companies every year apply for exemptions. These
17 companies have, as the previous slide demonstrates, have
18 requested exemptions before.

19 Some of and -- I think in response to
20 Mr. Paparian's question, one of the things that we think
21 is -- I don't know how to say it -- as a defense, but one
22 of the problems some of the companies deal with is that
23 these are very large manufacturers, very well known, as
24 you point out, as opposed to some of them who are not all
25 that well known. And the amount of material the top ones

1 use and the need to have to comply is significantly
2 different than the smaller ones, which is not necessarily
3 to say that just because you're big, you shouldn't have to
4 comply with the law.

5 I think staff agrees with the Board, with you,
6 Mr. Paparian, that we want the manufacturers to be in
7 compliance. And part of our recommendations for Poly
8 America, Trans Western, and Glad were not so much what
9 they had done in 2003, but really looking at where they
10 were today and what actions they had taken to bring them
11 to compliance for 2004 or 2005, so we won't be back here a
12 year from now or two years from now with the same
13 discussion. I don't think they want and I don't think we,
14 as staff, want, and certainly I know you as the Board
15 don't want to have this as an annual process.

16 And one of the things we're going to try to do in
17 the next plastics round table this summer is to try to
18 really work with some suppliers to find the couple of
19 thousand or so tons that would be needed to bring these
20 manufacturers into compliance, as well as opening up more
21 material to be used overall, even for those smaller
22 manufacturers.

23 BOARD MEMBER WASHINGTON: So, Neal, taking no
24 action, what does that do to Pactiv rather than placing
25 them on the compliance?

1 MR. JOHNSON: Well, taking, no action at this is
2 essentially deferring a decision at this moment, and we
3 would -- our intent is --

4 BOARD MEMBER WASHINGTON: So you're going to work
5 with them?

6 MR. JOHNSON: Well, Pactiv, there seems to have
7 been some miscommunication between them and their
8 submittal and us on what was necessary and what should
9 have been provided. And one of their representatives is
10 looking at -- came and actually looked at the file of
11 submittal and said, "Well, why isn't this here?" "Well,
12 we didn't receive that." And so there was some things
13 that really should have been submitted that may have
14 changed our decision as we would have recommended it that
15 were not there.

16 CHAIRPERSON MOULTON-PATTERSON: So you're saying
17 you're going to give them a month to get this in. And if
18 they don't, we'll take action.

19 MR. JOHNSON: Yeah. And some of it is all of the
20 manufacturers staff have had numerous discussions with to
21 resolve what the written documentation really means. And
22 when Pactiv didn't submit certain things, that line of
23 questioning which we engaged with others did not occur.
24 So Pactiv did not -- essentially, the playing field was
25 not level.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you.

2 BOARD MEMBER WASHINGTON: Final question, Madam
3 Chair.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. And then
5 Ms. Peace.

6 BOARD MEMBER WASHINGTON: Pactiv, if they still
7 don't step up to the plate and provide the information, we
8 put them on noncompliance. What is the incentive or
9 what's the -- besides being placed on the noncompliance
10 and not on the state procurement, what else happens to
11 this company? Or Is there anything else? That's pretty
12 much --

13 MR. JOHNSON: The penalties under the law are the
14 ability not to contract with the state. And I guess the
15 other is a social embarrassment of being identified to the
16 world at large that you did not comply, as opposed to some
17 other programs where there's monetary fines or you cannot
18 do any business.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you. Ms.
20 Peace.

21 BOARD MEMBER PEACE: If there are no more
22 questions, I would like to move Resolution 2004-181,
23 Consideration of the Request by the Plastic Trash Bag
24 Manufacturers for Exemption for the Inability to Obtain
25 Sufficient Quantity or Quality Use of Recycled Plastic

1 Postconsumer Material to Demonstrate compliance for the
2 2002-03 Reporting Period for: Glad Products Company,
3 Doing Business as Glad Manufacturing Company. And also
4 move Resolution 2004-183 for Poly America, LP. And also
5 move Resolution Number 2004-184 for the Trans Western
6 Polymers, Inc. And then we're going to move Pactiv to
7 July, or will staff need until August?

8 MR. JOHNSON: I think we're looking at August,
9 because of just the timeframe in getting an agenda item
10 ready.

11 BOARD MEMBER PEACE: We will move consideration
12 of Pactiv until August.

13 BOARD MEMBER MARIN: Second.

14 CHAIRPERSON MOULTON-PATTERSON: A motion and a
15 second by -- motion by Peace, seconded by Marin.

16 Please call the -- we can do this all at once, so
17 please call the roll.

18 SECRETARY WADDELL: Marin?

19 BOARD MEMBER MARIN: Aye.

20 SECRETARY WADDELL: Mule?

21 SECRETARY WADDELL: Paparian?

22 BOARD MEMBER PAPARIAN: Aye.

23 SECRETARY WADDELL: Peace?

24 BOARD MEMBER PEACE: Aye.

25 SECRETARY WADDELL: Washington?

1 BOARD MEMBER WASHINGTON: Aye.

2 SECRETARY WADDELL: Moulton-Patterson?

3 CHAIRPERSON MOULTON-PATTERSON: Aye. Okay.

4 BOARD MEMBER MULE: Yes.

5 CHAIRPERSON MOULTON-PATTERSON: This was not --

6 this was the last public item, but it wasn't the last item

7 for the Board.

8 BOARD MEMBER MULE: Sharon, you forgot me.

9 CHAIRPERSON MOULTON-PATTERSON: Oh, they didn't
10 call you. Mule?

11 BOARD MEMBER MULE: Aye.

12 CHAIRPERSON MOULTON-PATTERSON: We got it

13 recorded now. So we'll take five minutes and then the

14 Board will go into closed session. Thank you all very

15 much.

16 (Thereupon, the Board recessed into closed

17 session at 5:24 PM)

18 (Thereupon the California Integrated Waste

19 Management Board, Board of Administration

20 adjourned closed session at 6:20 p.m.)

21

22

23

24

25

1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 29th day of June, 2004.

15

16

17

18

19

20

21

22

23 TIFFANY C. KRAFT, CSR, RPR

24 Certified Shorthand Reporter

25 License No. 12277